

# North Pacific Fishery Management Council

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Certified \_\_\_\_\_

David Benton, Chairman

Date \_\_\_\_\_

## MINUTES

**154th Plenary Session  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
December 5-10, 2001  
Seattle, Washington**

The North Pacific Fishery Management Council met December 5-20, 2001 at the Hilton Hotel in Anchorage, Alaska.. The Scientific and Statistical Committee met December 3-5, and the Advisory Panel met December 3-7, at the same location. The following members of the Council, staff, SSC and AP attended the meetings.

### Council

David Benton, Chairman

Stosh Anderson

Jim Balsiger

John Bundy (Dec. 7-10)

Anthony DeGange for David Allen

Kevin Duffy for Frank Rue

Dave Hanson

Dennis Austin, Vice Chair

David Fluharty

Roy Hyder for Lindsay Ball

Stephanie Madsen

CAPT Richard Preston for RADM Barrett

Robert Penney

H. Robin Samuelsen, Jr.

### NPFMC Staff

Clarence Pautzke, Executive Director

Chris Oliver, Deputy Director

Darrell Brannan

Cathy Coon

Jane DiCosimo

Elaine Dinneford

Mark Fina

Nicole Kimball

Diane Provost

David Witherell

Helen Allen

Gail Bendixen

Maria Shawback

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**Support Staff**

Lauren Smoker, NOAA-GCAK  
Lisa Lindeman, NOAA-GCAK  
Sue Salvesson, NMFS-AKR  
Earl Krygier, ADFG  
Jay Ginter, NMFS-AKR  
Herman Savikko, ADFG  
Jeff Passer, NMFS-Enforcement  
Tamra Faris, NMFS-AKR

Doug Demaster, NMFS-NMML  
Michael Payne, NMFS-AKR  
Cindy Hartmann, NMFS-AKR  
Obren Davis, NMFS-AKR  
Andy Smoker, NMFS-AKR  
JoeMcCabe, NOAA-GCAK  
Loh-lee Low, NMFS-AFSC  
Jim Ianelli, NMFS-AFSC

**Scientific and Statistical Committee**

Richard Marasco, Chair  
Steve Berkeley  
Keith Criddle  
Doug Eggers  
Steve Hare  
Jeff Hartman  
Mark Herrmann

Jack Tagart, Vice Chair  
Sue Hills  
George Hunt, Jr.  
Dan Kimura  
Ken Pitcher  
Al Tyler

**Advisory Panel**

Dave Benson  
Dave Boisseau  
Al Burch  
Craig Cross  
Ben Ellis  
Dan Falvey, Co-Vice Chair  
Lance Farr

Duncan Fields  
Dave Fraser  
Arne Fuglvog, , Co-Vice Chair  
Spike Jones  
Teresa Kandianis  
Tracey Mayhew  
Hazel Nelson

Kris Norosz  
Michelle Ridgway  
Jeff Steele  
Jeff Stephan  
Bob Ward  
Lyle Yeck

**Other Attendees**

The following people signed the attendance register:

Phillip Lestenkof  
Arni Thomson  
Simeon Swetzof, Jr.  
Jeff Stephan  
Janet Smoker  
Shari Gross  
Simeon John  
Susan Williams  
Heather McCarty  
Bill Orr  
Alvin D. Osterback  
Steve Grabacki  
Terry Leitzell  
Brent Paine  
Marcus Alden  
John Henderschedt

Mike Szymanski  
Chang-lk Zhang  
Ted Angasan  
Woody Widmark  
James Mize  
Moses Toyukak, Sr.  
Sinclair Wilt  
Bruce C. Cotton  
Gary Johnson  
Perfenia Pletnikoff  
Matt Doherty  
John R. Mercurief, Sr.  
Glenn Reed  
Tom Rueter  
Paul McClivry  
Pete Kompkoff

Frank Kelty  
Jack Hill  
Patience Mercurief  
Linda Kozak  
Steve Toomey  
Craig Cross  
Capt. Vince O'Shea  
Thorn Smith  
Joe Childers  
Mark Lundsten  
Todd Hiner  
Gordon Blue  
Joe Sullivan  
Tom Suryan  
Donna parker  
Kevin Suydam

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Paul MacGregor  
Nate Paulson  
Toammie Shrader  
Luci Roberts  
Eric Johnson

A list of those who provided public comment during the meeting is found in Appendix I to these minutes.

**A. CALL TO ORDER/APPROVAL OF AGENDA/MINUTES OF PREVIOUS MEETING(S)**

Chairman David Benton called the meeting to order at approximately 8:05 a.m. on Wednesday, December 5, 2001. Mr. Bundy was absent due to illness. He joined the meeting on Friday, December 7.

Agenda: NMFS Enforcement advised the Council that there would be no enforcement report at this meeting. The agenda was approved as submitted.

Approval of Minutes: Stephanie Madsen moved to approve the minutes of the September and October 2001 meetings. The motion was seconded by Kevin Duffy and carried without objection

**B. REPORTS**

Clarence Pautzke gave the Executive Director's report (B-1); NMFS staff provided a fisheries management report and update on the status of amendments and other fishery management action (B-2), and ADF&G staff provided an update on State fishery management issues (B-3). The Council also received the Coast Guard report on recent enforcement actions and safety issues (B-4), and an update from NMFS staff on critical habitat for the northern right whale. Doug Demaster briefed the Council on the Alaska Fisheries Science Center's FY02 research plans (B-5), and Steve Hare, IPHC, provided the Council with IPHC staff recommendations for 2002 halibut catch limits (B-6).

The Council also met with Assistant Administrator Hogarth by teleconference on Wednesday, December 5. Dr. Hogarth discussed his ideas for streamlining the preparation, submission, and approval of fishery management regulations.

**DISCUSSIONS/ACTION RESULTING FROM REPORTS**

NMFS Management Report. Robin Samuelsen requested that future reports show bycatch by sector.

ADFG Report. Robin Samuelsen requested that the ADFG report in February include information on enforcement efforts in the State Pacific cod fisheries.

USCG Enforcement Report. Council members asked for information on the effects on the Coast Guard's Alaska operations caused by heightened national security efforts since September 11. Admiral Barrett told the Council that budgets as well as equipment and human resources have been diverted to the national effort which will have some effects on their mission in Alaska. Council members voted to send a letter to the Commandant stressing the importance of the Coast Guard's fishery enforcement and rescue operations in the North Pacific. Responding to a portion of the Coast Guard report on safety violations, Dennis Austin requested that the Council newsletter include an article on the importance of life boats on board vessels as well as the proper technique for stowing them.

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C. NEW AND CONTINUING BUSINESS

C-1 CDQ Program

**ACTION REQUIRED**

- (a) Final action on 4E/4D regulatory amendment.
- (b) Initial review of CDQ Policy amendment package .

**BACKGROUND**

(a) Final action on 4E/4D regulatory amendment

Obren Davis, NMFS, will present an analysis of two proposed revisions to regulations governing halibut CDQ fishing in Areas 4D and 4E of the Bering Sea. These revisions were requested by the CDQ groups and the Council in late 1998 and early 1999 in order to increase the possibility that the CDQ groups could fully harvest their halibut CDQ allocations and to further develop small, local halibut fisheries in Area 4E.

The first proposal is to revise regulations to the 6,000 pound halibut trip limit in Area 4E so that the trip limit could be lifted after September 1 or September 15 each year. This revision would allow the CDQ groups to use small vessels to harvest as much halibut CDQ as possible through one of these dates, but allow them to use larger vessels after such a date. Current regulations effectively prevent the use of larger vessels because the 6,000 pound limit is not profitable for larger vessels. The dates of September 1 or September 15 were proposed as possible dates for lifting the trip limit because the weather in Western Alaska often prevents small boats from safely fishing after this time of year.

The second proposal is to allow halibut CDQ allocated from Area 4D to be caught in Area 4E. Area 4E is along the coast of Western Alaska and Area 4D is the adjacent area to the west in the Bering Sea. Area 4D includes only two CDQ communities: Gambell and Savoonga on St. Lawrence Island. This proposal would allow the two CDQ groups (Norton Sound and Yukon Delta) that only receive allocations of Area 4D halibut CDQ, but have communities located in Area 4E, an opportunity to develop small, local halibut fisheries. Additionally, the two CDQ groups (Bristol Bay and Coastal Villages) that receive both Area 4D and 4E allocations could use this flexibility to increase the amount available to their existing local halibut fisheries. Allocations of halibut among Areas 4C, 4D, and 4E are not based on biological factors or conservation concerns, therefore, the proposal to allow the catch of Area 4D halibut in Area 4E is not expected to negatively impact halibut stocks.

In October, the Council modified the alternatives and requested additional analysis prior to release of the draft regulatory analysis. The revised analysis was mailed to you on November 16, and final action is scheduled for this meeting. As part of final action, the Council would be requesting that the IPHC adopt the same changes. This schedule will allow the Federal and IPHC regulations to be approved by the Secretary by the start of the halibut CDQ fishery in 2002. The executive summary is attached as Item C-1(a). The analysis includes the following management alternatives, as revised by the Council in October 2001:

**Issue 1: Modification or elimination of the Area 4E 6,000 pound trip limit**

**Alternative 1: No action**

**Alternative 2: Revise the 6,000 pound trip limit for Area 4E halibut CDQ to apply through:**

**Option 1. September 1 of each year, after which no trip limit applies.**

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Option 2. September 15 of each year, after which no trip limit applies.

Alternative 3: Revise the 6,000 pound trip limit for Area 4E halibut CDQ. A CDQ group must offer to transfer Area 4E halibut CDQ unharvested by August 15 to any other CDQ group with communities located in or proximate to Area 4E for harvest between:

Option 1. August 15 and September 1, unless the CDQ group that was initially awarded the allocation intends to harvest this quota prior to September 1. If a CDQ group that receives Area 4E halibut CDQ from another CDQ group does not harvest all of the halibut CDQ that was transferred to it by September 1, then the receiving CDQ group must transfer all remaining halibut CDQ back to the originating CDQ group. After September 1, the Area 4E trip limit would no longer apply.

Option 2. September 1 and September 15, unless the CDQ group that was initially awarded the allocation intends to harvest this quota prior to September 1. If a CDQ group that receives Area 4E halibut CDQ from another CDQ group does not harvest all of the halibut CDQ that was transferred to it by September 15, then the receiving CDQ group must transfer all remaining halibut CDQ back to the originating CDQ group. After September 15, the Area 4E trip limit would no longer apply.

Alternative 4: Remove the 6,000 pound halibut CDQ trip limit in Area 4E entirely.

Issue 2: Allow Area 4D halibut CDQ to be harvested in Area 4E

Alternative 1: No action

Alternative 2: Allow the harvest of Area 4D halibut CDQ in Area 4E.

Alternative 3: Allow the harvest of Area 4D halibut CDQ in Area 4E *and* the harvest of Area 4E halibut CDQ in Area 4D.

(b) Initial review of CDQ Policy amendment package

The proposed action would implement several policy and administrative changes to the Community Development Quota (CDQ) Program, including changes to the role of NMFS and the State of Alaska in program oversight and the CDQ allocation process. The CDQ Program was created by the Council in 1992 as part of the inshore/offshore allocations of pollock in the BSAI. The Council established the program to provide western Alaska fishing communities an opportunity to participate in the BSAI fisheries that had been foreclosed to them because of the high capital investment needed to enter the fishery. The goals and purpose of the program are to allocate CDQ to eligible western Alaska communities to provide the means for starting or supporting commercial fisheries business activities that will result in an ongoing, regionally-based, fisheries-related economy (50 CFR 679.1(e)).

The proposed action would be an amendment to the BSAI FMP (Amendment 71). The initial review draft of this analysis considers nine policy issues that would change the administration of the current CDQ Program. The no action alternative is included under every issue, as well as a suite of alternatives to the status quo. Each issue represents a distinct decision-making point, but many of the issues are inter-related. The complete list of alternatives is attached to this memo as Item C-1(b). The nine issues under consideration are:

Issue 1: Define the role of NMFS, the State of Alaska, and the Council in making CDQ allocations

Issue 2: Periodic or long-term CDQ allocations

Issue 3: Define the role of government in oversight of the CDQ Program

Issue 4: CDQ allocation process - Type of quotas

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- Issue 5: CDQ allocation process - The evaluation criteria**
- Issue 6: Appeals process**
- Issue 7: Extent of government oversight (definition of a CDQ project)**
- Issue 8: Allowable investments by CDQ groups (fisheries-related restriction)**
- Issue 9: Other administrative issues**

This amendment was initiated for several reasons. The National Research Council (NRC) prepared a comprehensive report on the performance and effectiveness of the CDQ Program in 1999 upon request of Congress. The NRC made several recommendations to improve the program, many of which are at issue in this analysis. Secondly, Congressman Don Young has proposed the Western Alaska CDQ Program Implementation Improvement Act of 2001 (House Resolution 553) in the 107<sup>th</sup> session of Congress. This legislation would amend Section 305(i) of the Magnuson-Stevens Act which addresses implementation of the CDQ Program. The amendments would make some significant policy and fisheries management changes to the CDQ Program, including increasing the autonomy of the CDQ groups by allowing them to determine the evaluation criteria used for making the allocations, as well as limiting government oversight to CDQ projects funded only by CDQ royalties. A Congressional hearing was held on July 19, 2001, and the bill remains within the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. All of the policy changes proposed in H.R. 553 have been encompassed in this analysis under various alternatives and are discussed in more detail within the analysis.

In addition to the NRC report and H.R. 553, there is a general understanding that the CDQ Program and the CDQ groups have matured significantly since 1992. The CDQ Program has surpassed the expectations of many in accomplishing its goals, and the CDQ groups have gained valuable experience in managing their fisheries and related investments. As a result, the Council recognized the need to evaluate the CDQ Program and to identify issues of concern and alternatives to address those issues. The Council appointed a CDQ Policy Committee in December 2000 to address issues related to the CDQ oversight responsibilities of government as well as provide policy recommendations regarding the allocation process and overall program administration. The committee met in April and May of 2001 and provided a report to the Council at the June 2001 Council meeting. Based on the recommendations of the committee, the Council requested that staff prepare an analysis of the nine policy issues listed above.

Initial review of the draft analysis is scheduled for this meeting, and final action is currently scheduled for February 2002. The Council has not yet adopted a problem statement to guide the action under consideration and may want to do so at this time. Discussion of a proposed problem statement is provided in the document.

A draft analysis of these issues was mailed to the Council on November 16, 2001. This analysis is not complete. The primary task remaining is analysis of Issue 7 (extent of government oversight). NMFS has contracted with KPMG, Inc., a financial and management consulting company, to analyze the impacts of the alternatives under Issue 7 on the CDQ groups. NMFS has also requested a legal opinion from the Department of Commerce on several aspects of Issue 7, which has not yet been completed. Final action at the February 2002 meeting would require that the draft be completed by mid-January so it could be sent out for review prior to the Council meeting. This would provide about five weeks to complete the draft after the December Council meeting, and this time would include holidays. Staff working on this project do not believe that this schedule provides sufficient time to adequately complete the analysis.

Additionally, the outcome of the APICDA v U.S. Department of Commerce lawsuit regarding the 2001-2002 CDQ allocations is directly related to a number of issues under consideration in this analysis. Oral arguments on this lawsuit were heard in Federal District Court on November 15, 2001, and a decision is expected from Judge Holland in the next few months. The results of this decision could be incorporated into the draft analysis when the decision is issued. Allowing continued work on the draft analysis until mid-March would increase the chance that the results of this lawsuit could be incorporated prior to final Council action. Finally, delaying the decision until April would also allow for the CDQ Policy Committee to meet and review a complete analysis, be informed about the related litigation, and provide its recommendations to the Council prior to final action.

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The current CDQ allocations expire on December 31, 2002. Therefore, the CDQ allocation process for 2003 and beyond will start in May 2002 with the State's CDQ application period. Although some policy changes recommended by the Council could be implemented voluntarily by NMFS and the State, it is unlikely that any regulatory or FMP amendments could be implemented in time to be effective for the next CDQ allocation process regardless of whether the Council took final action in February or April 2002. The issues under consideration are controversial, the CDQ groups do not agree on a preferred alternative for many of the issues, and these issues are the subject of an on-going lawsuit and proposed MSA amendments. NMFS expects that such a complicated and controversial rulemaking will take time to implement, particularly since some elements may involve significant changes in NMFS' role in the CDQ allocation process. Given these considerations, staff recommends that the final draft be completed by mid-March 2002 with final action scheduled for the April 2002 Council meeting.

The Scientific and Statistical Committee did not address this agenda item.

**Report of the Advisory Panel**

**a. 4E/4D Amendment Package**

The AP requests the Council adopt 4E/4D Amendment Package as follows:

Issue 1: Revise the 6,000 lb trip limit for area 4E halibut CDQ to 10,000 lbs to apply through August 1 of each year, after which no trip limit applies. *Motion passed 19-0.*

Issue 2: Adopt Alternative 3: Allow the harvest of Area 4D halibut CDQ in Area 4E, and the harvest of Area 4E halibut CDQ in Area 4D. *Motion passed 19-0.*

**b. CDQ Policy amendment package**

The AP recommends releasing Amendment 71 for initial review and requests that the analysis make clear that CDQ Policy Committee's Preferred Alternative be included in the text and directly analyzed. We further recommend the following additional information and options be included prior to release:

**A. Add Problem Statement (from staff recommendation on page 8 of the analysis)**

The Western Alaska Community Development Quota program was developed by the Council for the purpose of providing western Alaska communities with an opportunity to participate in the BSAI fisheries to promote the overall economic well being of these communities. Although the primary objective of the CDQ Program is to help the participating communities to establish a viable presence in this capital-intensive industry, over time there has been a growing need to take in to account the changing nature of the CDQ groups, the conditions in which they operate, and the communities they serve to benefit.

The CDQ Program was designed to provide for a substantial level of government oversight and includes a fairly complex allocation process conducted by the State of Alaska and approved by NMFS. It also requires the majority of benefits from the CDQ allocations to be reinvested in fishing and fisheries related activities within the region. Given the growth and maturation of the CDQ Program over the last eight years, some of the administrative and policy aspects of the program are not currently structured to adapt to changes, or are not clarified in Federal regulations, to the extent that they will best suit the long term goal of the program, which is development of opportunities for communities in western Alaska.

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B. Issue 1, Define the roles of NMFS, the Council and the State.

Add new Alternative 2A:

NMFS would continue to make CDQ allocations through an administrative process that continues to require the State to submit CDQ allocation recommendations. Regulatory amendments would be implemented to describe the administrative process that would be used to make CDQ allocations, including evaluation criteria. No appeals process would be included. The state would conduct a comment period and hearing as described in Issue 6, Alternative 2.

C. Issue 3, Define the Role of Government Oversight,

Amend Alternative 2 as follows:

Purpose#5 is redundant, and should be replaced with (from state comments):

Ensure that training, employment and education benefits are being provided to the communities and residents.

A new purpose #6 should be added (from analysis)

Ensure that the CDQ Program is providing benefits to each CDQ community and meeting the goals and purpose of the Program.

D. Issue 4, Types of Quota

The analysis should be expanded to include a more thorough analysis of the potential for splintering that foundation quotas might provide.

E. Issue 5. CDQ Allocation Process the Evaluation Criteria. Alternative 2.

Amend Alternative 2 to specifically list the criteria proposed by the State (pg. 101 of the analysis) modified as recommended in the analysis (at page 115). The following policy decisions required under this alternative are decided as follows:

1. CDQ allocations will be based only on the evaluation criteria published in NMFS regulations, and the introductory paragraph is revised to read:

The following evaluation criteria shall be used as the basis for allocating CDQ among the CDQ groups or eligible communities. Public comment will be considered in the CDQ allocation process.

2. Criteria 6 should be deleted as it is redundant, and replaced with the employment and training criteria.

3. Add the suggested new criteria for incidental catch and PSQ species.

4. Include the state scorecard as an option, with the criteria mirroring the evaluation criteria and that is as transparent as possible while maintaining confidentiality of business information.

F. Issue 8. Alternative 3

Add a new Option 4: Allow each CDQ group to invest up to \$1,000,000 in non-fisheries related projects.

**DISCUSSION/ACTION**

(a) Area 4D/4E Regulatory Changes

**Robin Samuelson moved to adopt the following: (1) Revise the 6,000 lb trip limit for Area 4E halibut CDQ to 10,000 lbs to apply through August 1 of each year, after which no trip limit would apply; and (2) allow the harvest of Area 4D halibut CDQ in Area 4E; only Area 4D CDQ halibut transferred into Area 4E can be transferred back into Area 4D.** The motion was seconded by Stephanie Madsen.

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Through a friendly amendment suggested by Stephanie Madsen **the 10,000 lb trip limit would apply year-round**. Council members stressed the original intent of the program was to maintain a healthy small-boat fleet. By suggestion of Stosh Anderson, the word **‘to a maximum of’** was inserted before ‘10,000 lbs.’

The motion carried unanimously [John Bundy was absent].

(b) Initial Review of CDQ Policy Amendment Package

**Robin Samuelson moved to approve the recommendations of the Advisory Panel, replacing the Problem Statement with the following:**

**CDQ Policy Statement**

**The Western Alaska Community Development Quota Program was developed by the Council for the purpose of developing sustainable fisheries-based economies in Western Alaska communities by providing opportunities to participate in the BSAI fisheries in order to promote their overall economic well-being.**

**The program was founded on the following elements:**

- 1. Community based planning and goal setting. CDPs are developed by community representatives on the CDQ groups’ boards to meet their social and economic goals.**
- 2. Allocations to the CDQ groups would be based on a balance between performance and need. Performance is measured through the goals, objectives and milestones of the CDPs with an emphasis on delivering benefits to the communities and residents of Western Alaska.**
- 3. Accountability. The oversight role of the State of Alaska and NMFS is intended to ensure accountability of the CDQ groups in implementing their CDPs and meeting the goals of the program.**

**Although the primary objective of the CDQ Program is to help the participating communities to establish a viable presence in this capital-intensive industry, over time there has been a growing need to take into account the changing nature of the CDQ groups, the conditions in which they operate, and the communities they serve to benefit.**

**The problem, given the growth and maturation of the CDQ Program over the last eight years, is that some of the administrative and policy aspects of the program may not be currently structured to adapt to changes, or may need to be clarified in Federal regulations, so that they best suit the long-term goal of the program. This review by Council and possible Council action is intended to address these concerns and issues.**

**\*Underlined portion was added as a friendly amendment.**

The following amendments and clarifications were made to the motion:

- It was clarified that the lead-in statement for the motion should read:  
**The Council requests that the analysis make clear that the CDQ Policy’s Committee’s preferred alternative be included in text and be directly analyzed.** It was also clarified that the release of the amendment for public review has not yet been resolved, pending further work by contractors. Staff advised that all of the alternatives recommended by the CDQ Policy Committee

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are in the analysis. Staff will identify those preferred alternatives and provide the reasons the Committee chose them as preferred alternatives.

- By friendly amendment, Issue 6 was deleted from the analysis, as recommended by staff. The discussion of the appropriate appeals process or public comment periods would be incorporated within the context of Issue 1.
- Stephanie Madsen moved to amend Issue 2, Alternative 1, to add an additional suboption: Suboption 4: 10-year allocation cycle; and to amend the escape clause to include additional suboptions: (a) intervention level (advisory); (b) mandatory requirement; or (c) reallocative requirement (in consultation with the Council). This would allow a range of fixed allocation cycles to be considered. Additionally, it would provide another mechanism for reevaluating performance when determining a longer-term allocation. The motion was seconded and carried.
- A new suboption was added under Issue 4, Option 3: add a new suboption: 50% of the allocation be based on population; and 50% based on performance, for pollock only.
- Under Issue 8, Alternative 3, revise suboption 1 to read: Require that any non-fisheries related investments be made in economic development projects in the region of Alaska represented by the CDQ groups. These projects should be self-sustaining. It was later clarified that the same suboption would be included under Alternative 4.

**The amended motion carried unanimously** with John Bundy abstaining (Mr. Bundy was not able to be present for the staff reports, public comment or the Council discussion).

**Robin Samuelsen moved to schedule final action on this issue for the April 2002 meeting.** There will be a status report at the February meeting.

The final motion is included as Appendix II to these minutes.

C-2 Halibut Subsistence Regulations

**ACTION REQUIRED**

**Final action on regulatory analysis to amend proposed halibut subsistence program.**

**BACKGROUND**

In October 2000, the Council took action to define the legal harvest of halibut for subsistence use in Convention waters in and off Alaska. As part of that action, the Council requested that the Alaska Board of Fisheries forward any recommendations for changes affecting: 1) legal gear; 2) daily limits; 3) reporting requirements; 4) customary and traditional use areas of tribes and rural communities; and 5) non-rural area definitions for halibut fishing areas in Areas 2C, Area 3, and Area 4. In June 2001, the Board presented its recommendations and the Council initiated an analysis for the following potential changes affecting: 1) gear limits, 2) stacking of gear limits, 3) harvest (daily) limits, 4) proxy fishing, and 5) changing the Cook Inlet non-subsistence fishing area southern boundary.

The proposed action (Alternative 2) is designed to better reflect local halibut subsistence fishing needs to feed families in all areas and balance concerns about rockfish stocks in four local areas adjacent to more densely populated centers. It may affect as many as 82,000 Alaska residents deemed eligible under the previous action whose fishing practices occur in the affected areas. The proposed action is not designed to decrease the amount of total harvest for subsistence use in those waters, but may require subsistence fishermen to fish in less restricted waters. The analysis was hampered

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by the lack of biological data upon which to assess impacts of halibut subsistence removals on local fish removals and rockfish populations, the lack of economic data upon which to assess the potential effects of the proposed measures on the affected individuals, and the lack of sociological data upon which to assess the potential effects of the proposed regulatory changes on the abilities of eligible halibut subsistence users to feed their families.

The Environmental Assessment/Regulatory Impact Review was mailed to you on November 9. There are no "small entities" as defined by the Regulatory Flexibility Act affected by the proposed action. A formal RFA certification by the Secretary is expected for the original halibut subsistence analysis and would also be sought for this action. The executive summary is attached as Item C-2(a). Six issues under Alternative 2 would benefit from additional discussion and clarification; these are listed in Item C-2(b).

The Scientific and Statistical Committee did not address this agenda item.

### Report of the Advisory Panel

The AP recommends the Council adopt the following elements and options for Halibut Subsistence:

#### 1.3.2 Alternative 2. Modify the previous action on halibut subsistence

Part 1: in Areas 4C, 4D, and 4E: eliminate gear and harvest restrictions;

Part 2: in Areas 3B, 4A, and 4B, allow stacking up to three times the number of hooks on a single unit of gear provided the subsistence user(s) are on board the vessel;

Part 3: in Area 3A,

#### A) Kodiak Road Zone and Chiniak Bay

- 1) decrease the gear limit to 5 hooks,;
- 2) create a 20 fish annual limit,
- 3) allow stacking up to three times the number of hooks on a single unit of gear,
- 4) allow proxy fishing;
  - a) proxies may be issued to any eligible subsistence user
  - b) no one may hold more than one proxy per trip
  - c) proxies apply to annual fish limits, not gear units

#### ~~B) Prince William Sound:~~

- ~~1) decrease the gear limit to 5 hooks;~~
- ~~2) allow stacking up to three times the number of hooks on a single unit of gear;~~

#### ~~C) Cook Inlet:~~

- ~~1) decrease the gear limit to 5 hooks;~~
- ~~2) allow stacking up to three times the number of hooks on a single unit of gear;~~
- ~~3) increase the size of the Cook Inlet non-subsistence fishing area by adjusting its southern boundary;~~

#### B) Area 3A-wide

1. Limit stacking provisions to 3 units of gear and require subsistence users be on the vessel.
2. Create an area-wide 20 fish annual limit
3. Allow the use of proxy fishing area-wide.
  - a) proxies may be issued to any eligible subsistence user
  - b) no one may hold more than one proxy per trip
  - c) proxies apply to annual fish limits, not gear units

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C) Maintain the current boundary for the Cook Inlet non-subsistence fishing area

~~Part 4: in Area 2C, Sitka:~~

- ~~1) decrease the gear limit to 2 hooks;~~
- ~~2) create a 20 fish annual limit;~~
- ~~3) allow proxy fishing;~~
- ~~4) decrease the daily harvest limit to 2 fish (Council option);~~

Part 4: Area 2C-wide

1. Limit stacking provisions to 3 units of gear and require subsistence users to be on the vessel.
2. Create an area-wide 20 fish annual limit
3. Allow the use of proxy fishing area-wide.
  - a) proxies may be issued to any eligible subsistence user
  - b) no one may hold more than one proxy per trip
  - c) proxies apply to annual fish limits, not gear units
4. Establish a 2-hook, 2 fish daily limits with State of Alaska proxy provisions in the Sitka LAMP area

DISCUSSION/ACTION

Dan Coffey gave the Council a brief report on discussions of the Board of Fisheries on the proposed halibut subsistence amendments and provided clarification and rationale for their recommendations at the request of NOAA General Counsel. With regard to stacking, Rob Bentz, ADF&G, explained that the Board wished to restrict the number to a maximum of 3 sets of gear on board, regardless of the number of fishermen on board, for conservation concerns on other groundfish species. The Board also intended that subsistence fishermen must be on board when stacking gear, and that the Council use a proxy system similar to the State system. With regard to the recommended northern boundary, the Board stressed that they wished to provide reasonable opportunity for fishermen in that area, particularly English Bay, to prosecute their subsistence fishery.

Bob Penny moved to revise Alternative 2 (referring to Section 1.5.2 on page 23 of the draft analysis), as follows:

Alternative 2. Modify the previous action on halibut subsistence:

Part 1: in Areas 4C, 4D, and 4E: eliminate gear and harvest restrictions

Part 2: in Areas 3B, 4A, and 4: allow stacking up to three times the number of hooks on a single unit of gear per trip provided the subsistence user(s) are on board the vessel.

Part 3: in Area 3A:

- A) Kodiak Road Zone and Chiniak Bay:
  - 1) decrease the gear limit to 5 hooks
  - 2) create a 20 fish annual limit
  - 3) allow stacking up to three times the number of hooks on a single unit of gear per trip provided the subsistence user(s) are on board the vessel
  - 4) allow proxy fishing
- B) Prince William Sound 1) decrease the gear limit to 5 hooks

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- C) Cook Inlet;
- 2) allow stacking up to three times the number of hooks on a single unit of gear per trip provided the subsistence user(s) are on board the vessel
  - 1) decrease the gear limit to 5 hooks
  - 2) allow stacking up to three times the number of hooks on single unit of gear per trip provided the subsistence user(s) are on board the vessel
  - 3) increase the size of the Cook Inlet non-subsistence fishing area by adjusting its southern boundary
- Part 4: in Area 2C,  
Sitka LAMP Area:
- Stacking is a limit of 3 units in stacking per vessel, per trip, provided the subsistence user(s) are on board the vessel.
- 1) decrease the gear limit to 2 hooks
  - 2) create a 20 fish annual limit
  - 3) allow proxy fishing
  - 4) decrease the daily harvest limit to 2 fish (Council option)
- Part 5: A permit and reporting system must be in place when the program is implemented
- Part 6: The Council will conduct a program review 3 years after the program implementation date.

The motion was seconded.

Kevin Duffy moved to amend to add a problem statement as follows:

**PROBLEM STATEMENT**

In October 2000, the North Pacific Fishery Management Council (Council) adopted a regulatory framework that recognized customary and traditional use of halibut for subsistence purposes. This framework was intended to accommodate customary and traditional practices while at the same time meeting conservation, social and economic objectives.

In adopting the statewide halibut subsistence program the Council recognized that the regulatory framework, while comprehensive in nature, might not meet Council objectives regarding the needs of subsistence harvester or other users of the halibut resource in certain local areas.

Consistent with the Council's working relationship with the Alaska Board of Fisheries (Board), the Council requested that the Board investigate whether or not the halibut subsistence regulatory framework was appropriate to address local conditions and to report back to the Council with recommended modifications to the program to better reflect local issues and concerns. Specifically, the Board, through their public input process, was requested to address any concerns and make recommended changes to the Council's regulatory framework regarding gear, daily limits, reporting requirements, customary and traditional designations for Tribes or rural communities, and non-rural area definitions for halibut subsistence fishing areas.

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The problem statement was incorporated into the main motion by friendly amendment. It was clarified that the current problem statement for Sitka Sound would remain; this problem statement would apply to the overall program.

Also, by friendly amendment, the Council agreed that final action would be taken in February. The main motion and the motion on the problem statement were bifurcated for voting purposes.

Stephanie Madsen moved to approve the problem statement. The motion was seconded and carried without objection.

After clarifications from ADF&G staff on the Board recommendations for stacking permits, by friendly amendment staff was instructed to insert in the analysis wherever stacking is mentioned the statement, "Provided the subsistence users are on board." It was also clarified that stacking would apply, per trip, to all areas.

The motion on Alternative 2 carried 10 to 1, with Fluharty voting against.

Robin Samuelsen moved an additional alternative (3) to be included in the analysis sent out for public review:

(New) Alternative 3. Modify the previous action on halibut subsistence:

Part 1: Areas 4C, 4D, and E:

1) Eliminate gear restrictions

Part 2: All Areas except 4C, 4D, 4E

1) Allow stacking of a maximum up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

Part 3(A): In Area 3A, Kodiak Road Zone and Chiniak Bay:

1) 5 to 30 hooks

2) 20-fish annual limit

3) Develop proxy system

4) Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.

Part 3(B): In Area 3A, Prince William Sound: 2)

1) 5 to 30 hooks

30 -fish annual limit

3) Develop proxy system

4) Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence

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user(s) are on board the vessel, or when subsistence users are represented by proxy.

**Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.**

**Part 3(C). In Area 3A,  
Cook Inlet:**

- 1) 5 to 30 hooks
- 2) 30-fish annual limit
- 3) Develop proxy system
- 4) Allow stacking of a maximum up to 3 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

**Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.**

- 5) Cook Inlet Boundary - No action

**Part 4: In Area 2C,  
Sitka Sound Lamp Area:**

- 1) 2 to 15 hooks
- 2) 5 fish per day
- 3) 20 fish annual limit
- 4) Develop proxy system
- 5) Allow stacking of a maximum up to 2 times the number of hooks on a single unit of gear provided that the subsistence user(s) are on board the vessel, or when subsistence users are represented by proxy.

**Suboption: Allow stacking of up to 2 to 3 times the number of hooks on a single unit of gear per trip provided that the subsistence user(s) are on board the vessel, with no maximum limit on units of gear.**

**Suboption: Apply the above provisions to all of Area 2C.**

**Part 5. All areas.**

**Analysis of Federal and State proxy systems and other proxy options that reflect customary and traditional harvests and distribution patterns of native villages and other communities. This should be done in consultation with State, Federal, Tribes, and rural communities.**

**Part 6. All areas.**

**Community Harvest Permits: The Council Halibut Subsistence Committee shall work with the NMFS to construct a community harvest permit system in consultation with the affected user groups and other relevant agencies.**

**The motion was seconded by Stosh Anderson and carried with Penney voting against.**

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The Council also agreed to reconvene the Halibut Subsistence Committee for the specific task of working with NMFS to construct a community harvest permit program.

**The motion carried, 10 to 1, with Penney voting against.**

**John Bundy moved to modify the action previously taken to add an alternative for analysis to extend the Area 4D exemption to Area 4C with respect to retention of legal-sized subsistence halibut on a commercial trip without counting it toward IFQ or CDQ. This would be included in the analysis as a new Alternative 4. The motion was seconded by Stephanie Madsen and by friendly amendment was expanded to consider areas 4B and 4E in the analysis as well. The motion carried unanimously.**

**Kevin Duffy moved to schedule final action in April. The motion was seconded and carried without objection.**

**Dennis Austin moved to amend previous action to analyze a change in the \$400 allowance for subsistence sale/cash exchange using a range of \$0 to \$400 for the options for consideration. The motion was seconded by Roy Hyder. Mr. Hyder suggested that the analysis of sharing of expenses not be included in the definition of sale. This was accepted as a friendly amendment.**

**The motion failed, 9 to 2, with Austin and Hyder voting in favor.**

The final motion on this agenda issue is included with these minutes as Appendix III.

C-3 Seabird Avoidance Measures

**ACTION REQUIRED**

**Final action on amendment package, including additional options from October.**

**BACKGROUND**

**Revisions to Regulations for Avoidance Measures, Seabird EA/RIR/IRFA, November 2001.**

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Biological opinions issued by the U.S. Fish & Wildlife Service (USFWS) in 1997 and 1999 require that NMFS investigate the effectiveness of seabird avoidance measures currently used in Alaska's hook-and-line groundfish fishery. In April 1999 the Council took final action on recommended changes to the existing seabird measures. NMFS later decided to await the availability of final research results from a Washington Sea Grant Program (WSGP) study before proceeding with rulemaking to revise the seabird avoidance measures.

At the October 2001 meeting, the Council received the report from Mr. Ed Melvin, WSGP, on his collaborative two-year research program (1999-2000) entitled "Solutions to seabird bycatch in Alaska's longline fishery." The WSGP study recommends the following regulatory measures for all Alaska longline vessels: 1) deploy paired streamer lines during the setting of gear, and 2) eliminate the direct discharge of residual bait and offal from the stern of the vessel while setting gear. Material and performance standards for streamer lines are specified. Other recommendations are made for gear, methods, and operations which should not be allowed as seabird avoidance measures.

The Council then took action to release the associated EA/RIR/IRFA for public review with final action in December. The Council requested the following additional information and options be included, to the extent possible, prior to release:

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- 1. Add a section discussing monitoring and enforcement issues with particular reference to performance standards, the role of observers, and ability to modify confidentiality restrictions to allow for industry use of peer pressure;**
- 2. Expand the description of vessels to include gear type, crew size and setting speed by vessel size;**
- 3. Expand the economic discussion to include the cost of rigging small vessels to deploy 2 streamer lines;**
- 4. Add the following options to Alternative 4:**
  - a. Allow single streamer lines on vessels based on gear type or vessel size, or area, with specific reference to 35 to 60 feet vessels, broken down into increments of 5 feet (i.e., 35, 40, 45, etc);**
  - b. Allow for modification of the performance standard based on gear type and/or vessel size;**
- 5. Require a seabird avoidance plan aboard every vessel in the groundfish and IFQ fisheries; and**
- 6. Vessels 32' or less fishing halibut in IPHC Area 4E would be exempted from seabird avoidance regulations. Vessels fishing in the internal waters of Southeast and Prince William Sound would also be exempted.**

**The draft EA/RIR/IRFA includes four alternatives:**

**Alternative 1: Status quo: No change in the current Federal requirements for seabird avoidance measures.**

**Alternative 2: Revisions to existing regulations, based on the Council's final action in April 1999.**

**Alternative 3: Revisions to existing regulations, based on recommendations from a two-year scientific research study conducted by the WSGP on the effectiveness of seabird avoidance measures used in hook-and-line fisheries off Alaska.**

**Alternative 4: Minor modifications to WSGP recommendations for regulatory changes.**

**Applicability of Alternatives**

**The current seabird avoidance regulations apply to operators of Federally-permitted vessels fishing for groundfish with hook-and-line gear in the GOA and the BSAI, and Federally-permitted vessels fishing for groundfish with hook-and-line gear in waters of the State of Alaska that are shoreward of the GOA and the BSAI, and to operators of vessels fishing for Pacific halibut in U.S. Convention waters off Alaska. Since the inception of requirements for seabird avoidance measures off Alaska, NMFS has intended for all hook-and-line vessel operators at risk of incidentally taking short-tailed albatross and/or other seabird species to use these measures, regardless of geographic area fished (i.e. EEZ, state waters, inside waters) or target fishery (i.e. groundfish, halibut, IFQ, CDQ). As new information becomes available the applicability of the requirements could be revised as appropriate.**

**To more closely reflect the respective fishery management authorities and policies of federal and state governments, regulations implementing any of the alternatives would apply to operators of vessels fishing for:**

- 1. Pacific halibut in the IFQ and CDQ management programs (0 to 200 nm),**
- 2. IFQ sablefish in EEZ waters (3 to 200 nm) and waters of the State of Alaska (0 to 3 nm), except waters of Prince William Sound and areas in which sablefish fishing is managed under a State of Alaska limited entry program (Clarence Strait, Chatham Strait), and**
- 3. Groundfish (except IFQ sablefish) with hook-and-line gear in the U.S. EEZ waters off Alaska (3-200 nm).**

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The IFQ and CDQ federal management programs have a consistent and comprehensive history of application of federal regulations in state waters. The federal management of the groundfish resource off Alaska has a long history of cooperation with the State of Alaska. The Council, USFWS, and NMFS could pursue adoption of seabird avoidance regulations by the State of Alaska for hook-and-line fisheries for groundfish in State waters. At its March 2002 meeting, the Alaska Board of Fisheries (Board) will consider a Board-generated proposal that would change state groundfish regulations to parallel federal regulations governing seabird avoidance measure requirements for operators in hook-and-line fisheries.

Under any of the alternatives, existing regulations would be revised to clarify that seabird avoidance regulations apply as originally intended to all operators of vessels of a specified length that are fishing in U.S. Convention waters off Alaska for Pacific halibut, whether under the auspices of the IFQ program or the more recently developed CDQ program. At the time the seabird avoidance measures were required in the Pacific halibut fishery, the fixed gear halibut CDQ allocations were managed as part of the IFQ program and implementing regulations were found at Part 679 Subpart D (§ 679.40). In 1999, regulations governing halibut CDQ fishing were revised to clarify which elements of the halibut IFQ regulations applied to the halibut CDQ fishery. These regulations are found at Part 679 Subpart C (§ 679.30) and inadvertently did not include reference to the seabird avoidance gear and methods requirements.

#### Report of the Scientific and Statistical Committee

The SSC found the document to be thorough, well written, and responsive to earlier SSC comments. The SSC noted that Alternative 4 merges protective actions and attempts to minimize the regulatory burden on smaller vessels.

#### Report of the Advisory Panel

The AP recommends the council Adopt Alternative 4 with the following modifications: **(Please note that alternative 4 incorporates, by reference, the measures in Alt. 3 for vessels over 55 ft. LOA. The AP recommends the council revise the language under Alternative 3: E. IV. Use of a line shooter as a sole deterrent method.)**

**Offal discharge requirements—Clarify wording to ensure that strategic discharge of offal from the stern of the vessel to distract seabirds away from the groundline is allowed.**

#### Bird Line Requirements

##### Inside Waters (Area 649, 659, state waters of Cook Inlet):

1. A minimum of 1 buoy bag line of a specified performance standard is required of vessels without **superstructures mast, poles, or rigging** greater than or equal to 26 ft (7.9 m) LOA and less than or equal to ~~45~~ 55 ft LOA.
2. A minimum of 1 streamer line of a specified performance standard is required of vessels with **superstructures mast, poles, or rigging** greater than or equal to 26 ft (7.9 m) LOA and less than or equal to ~~45~~ 55 ft LOA
3. A minimum of 1 streamer line of a specified performance standard is required of vessels greater than ~~45~~ 55 ft LOA..

##### EEZ:

1. A minimum of 1 buoy bag line of a specified performance standard and one other specified device is required of vessels without **superstructures mast, poles, or rigging** greater than or equal to 26 ft (7.9 m) LOA and less than or equal to ~~45~~ 55 ft LOA
2. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with **superstructures mast, poles, or rigging** greater than or equal to 26 ft (7.9 m) LOA and less than or equal to ~~45~~ 55 ft LOA

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3. A minimum of paired streamer lines of a specified performance standard is required of vessels greater than ~~45~~ 55 ft LOA

Vessels using Snap Gear:

1. A minimum of 1 buoy bag line of a specified performance standard and one other specified device is required of vessels without ~~superstructures~~ **mast, poles, or rigging** greater than or equal to 26 ft (7.9 m) LOA and less than or equal to ~~45~~ 55 ft LOA
2. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with ~~superstructures~~ **mast, poles, or rigging** greater than or equal to 26 ft (7.9 m) LOA and less than or equal to ~~45~~ 55 ft LOA
3. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels greater than ~~45~~ 55 ft LOA

Performance Standards for Bird Line Requirements are as follows (Table 1a):

Buoy Bag Line Standard: A single streamer line (**10 to 40 m** length) with no streamers attached; buoy bag line to be deployed within 2m of either **side of the point where the main groundline enters the water.**

Single Streamer Standard: A single streamer line deployed in such a way that streamers are in the air for a minimum of 40 m aft of the stern and within 2m of either **side of the point where the main groundline enters the water.**

Paired Streamer Standard: Paired streamer lines deployed in such a way that streamers are in the air for a minimum of 40 m aft of the stern. For side-setters, one line must be over the main groundline, while the other streamer must be deployed to either side.

Snap Gear Streamer Standard: A single streamer line (45 m length) deployed in such a way that streamers are in the air for 20 m aft of the stern and within 2m of either **side of the point where the main groundline enters the water.**

**For vessels < 55 ft LOA, the applicable performance standard would be implemented as guidelines in the first year and become regulation in the following year unless modified. The AP further recommends NMFS, WSGP and industry engage in a cooperative study during the first year of the program to determine if modification to the performance standard for this class of vessels is warranted and investigate if vessels <55 ft.LOA should be exempted from the performance standards when fishing at night from November1 to April 1.**

**The AP notes that minor variations from the performance standards are likely. We request the council discuss the level of enforcement expected. Reasonable efforts displayed by vessels should be taken into consideration prior to enforcement actions. More blatant, intentional and egregious violations should justify enforcement action.**

**The AP also recommends the Council encourage the NPGOP & NMFS enforcement to expand outreach and assistance to industry in developing and using seabird avoidance gear, including the training of observers to provide informational resources to industry in regards to seabird avoidance measures.**

**Further, the AP recommends that NMFS, in conjunction with industry, be required to develop a seabird avoidance incident reporting form. This form is to be placed in the observer handbook and be used when there is a question on performance standards.**

Other Devices include the following:

Add specified weights to groundline.

Use a buoy bag line or streamer line, of specified performance standards.

Strategic offal discharge to distract birds away from the setting of baited hooks: Discharge fish, fish parts (i.e. offal) or spent bait, to distract seabirds away from the groundline while setting gear.

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**Requirements for All Operators of Applicable Vessels while engaged in fixed gear operations**

Seabird avoidance devices as described above must:

- (a) **Be onboard the vessel**
- (b) Be made available for inspection upon request by an authorized officer (USCG, NMFS Enforcement Officer or other designated official)
- (c) Meet certain specified standards.
- (d) Be used while hook-and-line gear is being deployed.
- (e) ~~A functioning and effective spare bird line must also be onboard.~~

Seabird Avoidance Plan must be:

- (a) Completed.
- (b) Onboard the vessel.
- (c) Made available for inspection upon request by an authorized officer (USCG, NMFS Enforcement Officer or other designated official).
- (4) **Consistent with USCG safety information posting requirements**

Alternative 4 Option for Small Vessel Exemption in Specified Areas:

Vessels fishing **less than or equal to 32 ft. LOA** in the “internal waters” of Southeast Alaska (NMFS Area 659; Southeast Inside District), Prince William Sound (NMFS Area 649), and State waters of Cook Inlet ~~would also be exempted.~~ **would be required to tow a buoy bag.**

Vessels 32 ft (9.8 m) LOA or less fishing halibut in IPHC Area 4E would be exempted from seabird avoidance regulations.

**DISCUSSION/ACTION**

**Stosh Anderson moved the following:**

**Alternative 4: Complete seabird avoidance regulations, as revised by regulatory amendment. Alternative 4 incorporates, by reference, the measures in Alternative 3 for vessels over 55 ft. LOA.**

1. **Seabird avoidance measures would apply to the operators of vessels using hook-and-line gear as follows:**
  - A. **Pacific halibut in the IFQ and CDQ management program (0 to 200 nm);**
  - B. **IFQ sablefish in the EEZ waters (3 to 200 nm) and waters of the State of Alaska (0 to 3nm), except waters of Prince William Sound and areas in which sablefish fishing is managed under a State of Alaska limited entry program (Clarence Strait, Chatham Strait); and**
  - C. **Groundfish (except IFQ sablefish) with hook-and-line gear in the U.S. EEZ waters off Alaska (3-200 nm).**
2. **Operators of all applicable vessels using hook-and-line gear must:**
  - A. **Use hooks that when baited, sink as soon as they are put in the water.**
  - B. **Directed discharge (through chutes, pipes, or other similar devices suited for purpose of offal discharge) of residual bait or offal from the stern of the vessel while setting gear is prohibited. This does not include baits falling off the hook or offal discharges from other locations that parallel the gear and subsequently drift into the wake zone well**

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after of the vessel. For vessels not deploying gear from the stern (i.e., gear is deployed from the side of the vessel or amidship), directed discharge of residual bait or offal over sinking longlines while gear is being deployed. This prohibition of directed discharge of bait through chutes, pipes, or other similar devices is not to be confused with strategic offal discharge, which is allowed (Sec. 5c).

- C. Remove embedded hooks in offal that is to be discharged.
- D. Make every reasonable effort to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.

3. Bird Line Requirements (see Table 1a)

Inside Waters (Area 649, 659, state waters of Cook Inlet):

- A. A minimum of 1 buoy bag line of a specified performance standard is required of vessels without masts, poles, or rigging greater than or equal to 26 ft LOA and less than or equal to 55 ft LOA.
- B. A minimum of 1 buoy bag line of a specified performance standard is required of vessels with masts, poles, or rigging greater than 26 ft LOA and less than or equal to 32 ft LOA.
- C. A minimum of 1 streamer line of a specified performance standard is required of vessels greater than 55 ft LOA..
- D. A minimum of 1 streamer line of a specified performance standard is required of vessels greater than 55 ft LOA.

EEZ:

- A. A minimum of 1 buoy bag line of a specified performance standard and one other specified device is required of vessels without masts poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA
- B. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with masts poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA
- C. A minimum of paired streamer lines of a specified performance standard is required of vessels greater than 55 ft LOA (EXEMPTION: SEE SNAP GEAR)

Vessels using Snap Gear:

- A. A minimum of 1 buoy bag line of a specified performance standard and one other specified device is required of vessels without masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA
- B. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with masts, poles, or rigging greater than 26 ft LOA and less than or equal to 55 ft LOA
- C. A minimum of 1 streamer line of a specified performance standard and one other specified device is required of vessels with masts, poles, or rigging greater than equal to 55 ft LOA.

4. Performance Standards for Bird Line Requirements are as follows (Table 1a):

- A. Buoy Bag Line Standard: A single buoy bag line (10 to 40 m in length) line is deployed so that it is within 2m horizontally of the point where the main groundline enters the water. The buoy bag line must extend beyond the point where the main groundline enters the water.
- B. Single Streamer Standard:

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- i. A single streamer line deployed in such a way that streamers are in the air for a minimum of 40 m aft of the stern and within 2m horizontally of the point where the main groundline enters the water.
- ii. Materials Standard:: The minimum streamer line specifications are as follows:  
*Length: 300 feet (91.4 m)*

*Spacing of streamers: Every 5 meters until performance standard is achieved.*

*Streamer material: Brightly colored, UV-protected plastic tubing or 3/8 inch polyester line or material of an equivalent density. an individual streamer must hang from the mainline to 0.25 meters of the water in the absence of wind.*

C. Paired Streamer Standard:

- i. Deploy a minimum of two streamer lines while setting hook-and-line gear. If both streamer lines cannot be deployed prior to the first hook, at least one streamer line must be deployed before the first hook and both streamers must be fully deployed within 90 seconds.

- ii. **Exceptions:** In conditions of wind speeds exceeding 30 knots (near gale or Beaufort 7 conditions), it is acceptable to fly a single streamer from the windward side of the vessel. In winds exceeding 45 knots (storm or Beaufort 9 conditions), the safety of crew supersedes deployment of streamer lines.

- iii. Paired streamer lines deployed in such a way that streamers are in the air for a minimum of 40 m aft of the stern. For vessels under 100 ft and 60 m aft of the stern for vessels 100 ft or over.

- a) For vessels deploying gear from the stern, the paired streamer lines must be deployed from the stern, one on each side of the main groundline.
- b) For vessels deploying gear from the side, the paired streamer lines must be deployed from the stern, one over the main groundline and the other on either side of the main groundline.

- iv. Materials Standard: The minimum streamer line specifications are as follows:  
*Length: 300 feet (91.4 m)*

*Spacing of streamers: Every 5 meters until performance standard is achieved.*

*Streamer material: Brightly colored, UV-protected plastic tubing or 3/8 inch polyester line or material of an equivalent density. an individual streamer must hang from the mainline to 0.25 meters of the water in the absence of wind.*

- v. Snap Gear Streamer Standard: A single streamer line (45 m length) deployed in such a way that streamers are in the air for 20 m aft of the stern and within 2m horizontally of the point where the main groundline enters the water.

For vessels < 55 ft LOA, the applicable performance standard would be implemented as guidelines in the first year and become regulation in the following year unless modified. The Council further recommends NMFS, WSGP, USFWS, and industry engage in a cooperative study during the first year of the program to determine if modification to the performance standard for this class of vessels is warranted and investigate if vessels <55 ft.LOA should be exempted from the seabird avoidance measures when fishing at night from November 1 to April 1.

The Council notes that minor variations from the performance standards are likely. Reasonable efforts displayed by vessels should be taken into consideration prior to enforcement actions. More blatant, intentional and egregious violations should justify enforcement action.

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The Council also recommends that the Observer Program and NMFS Enforcement expand outreach and assistance to industry in developing and using seabird avoidance gear, including the training of observers to provide informational resources to industry in regard to seabird avoidance measures.

Further, the Council recommends an industry-generated avoidance incident reporting form be completed by a skipper when an incident regarding seabird avoidance measures and performance standards occurs. It is further recommended that the Observer Program evaluate the use of this form.

5. **Other Devices include the following:**
  - A. **Addweights to groundline.**
  - B. **Use a buoy bag line or streamer line, of specified performance standards.**
  - C. **Strategic offal discharge to distract birds away from the setting of baited hooks: Discharge fish, fish parts (i.e., offal) or spent bait, to distract seabirds away from the main groundline while setting gear.**
  
6. **Requirements for All Operators of Applicable Vessels using hook-and-line gear:**
  - A. **Seabird avoidance devices as described above must:**
    - i. **Be onboard the vessel.**
    - ii. **Be made available for inspection upon request by an authorized officer (USCG, NMFS Enforcement Officer or other designated official).**
    - iii. **Meet certain specified standards.**
    - iv. **Be used while hook-and-line gear is being deployed.**
  
  - B. **Seabird Avoidance Plan must be:**
    - i. **Completed.**
    - ii. **Onboard the vessel.**
    - iii. **Made available for inspection upon request by an authorized officer (USCG, NMFS Enforcement Officer or other designated official).**
  
  - C. **The following measures or methods may be used on a vessel, but must be accompanied by the applicable seabird avoidance requirements:**
    - i. **night-setting.**
    - ii. **line shooter.**
    - iii. **lining tube.**
  
7. **Alternative 4 Option for Small Vessel Modification:**

Vessels fishing 32 ft LOA or less fishing halibut in IPHC Area 4E, (within 0-3nm) would be exempted from seabird avoidance regulations.

The motion was seconded by Dave Fluharty.

Dave Fluharty moved to amend the seabird plan portion of the motion as follows:

- B. **Seabird Avoidance Plan must be:**
  - i. **Written, and onboard the vessel.**
  - ii. **Contain the following information:**
    - a. **Vessel Name.**
    - b. **Master's Name.**
    - c. **Type of bird avoidance measures utilized.**
    - d. **Positions and responsibilities for deploying, adjusting, and monitoring performance of deployed gear.**

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- e. **Instructions / Diagrams outlining the sequence of actions required to deploy and retrieve the gear to meet specified performance standards.**
- f. **Procedures for strategic discharge of offal, if any.**
- g. **Must be prepared and signed by vessel Master. Master's signature shall indicate all crewmembers have read the plan and are familiar with it.**
- iii. **Copy of plan will be given to NMFS observer upon observer's embarkation. A pre-departure meeting is strongly encouraged to discuss the seabird avoidance plan and other observer issues.**
- iv. **Made available for inspection upon request by an authorized officer (USCG boarding officer, NMFS Enforcement Officer, or other designated official)**

The amendment was accepted as friendly to the main motion.

With respect to the last paragraph under Section 4 regarding an industry-generated seabird avoidance incident report form, Dr. Fluharty recommended adding, the following sentence:

**The Council recommends to the NMFS Observer Program that it continue a training emphasis on seabird bycatch avoidance . Further, that observers be encouraged to notify the Captain quickly if a problem with avoidance measures or performance standards occurs.**

This was also accepted as a friendly amendment.

Dr. Fluharty stressed that the Council needs to declare its intent with respect to seabird regulations and performance standards and how it hopes to see the program enforced. He recommended a friendly amendment based on public comment received earlier in the meeting:

**The intent of the performance standards is to ensure correct use of the seabird avoidance devices. The Council recognizes that it is likely that variation from the objective performance standards will occur in the normal course of fishing operations. The Council also recognizes that many of the objective performance standards will be measured subjectively by enforcement personnel and observers.**

**The Council recommends that enforcement personnel and observers work cooperatively with vessel operators to ensure compliance with the performance standards by using education and warnings (to the extent practicable) prior to issuing a citation or an affidavit attesting to non-compliance of performance standards.**

**The Council recommends that enforcement and observers take the following into consideration in evaluation of compliance with performance standards:**

- **Given the context and setting, it is likely that minor variations from the objective performance standards may not warrant an enforcement action.**
- **More blatant, intentional, and egregious violations could justify an enforcement action.**

**These considerations are to apply to the 90-second rule, the wind-sea state condition rule, the performance standards for airborne streamer distance, and distance off the groundline.**

This was also accepted as a friendly amendment to the main motion.

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**Robin Samuelsen moved to amend Issue 7, Alternative 4 option for small vessel modification, to exempt vessels 32 ft LOA or less fishing in IPHC Area 4E fishing with state waters, 0-3 nm, from seabird avoidance regulations.**

This was accepted as a friendly amendment to the main motion.

It was clarified that Revised Table 1a--Alternative 4-Seabird Avoidance Requirements for Vessels, based on Area, Gear, and Vessel Type, is to be included as a part of the motion.

The main motion, as amended, carried unanimously. The final motion is attached to these minutes as Appendix IV.

Tony DeGange noted that USFW does not think there's enough information available at this point to support area exemptions and is concerned that the Area 4E exemption could trigger other requests for exemptions for other parts of the State. U.S. Fish and Wildlife would certainly support the idea of the study recommended in the motion to determine if modification to the performance standards for vessels <55 ft, and work with other agencies, although it's not clear at this time whether funding would be available through USFW.

C-4 BSAI Crab Rationalization

**ACTION REQUIRED**

**Review work to date and provide clarification of specific elements and options.**

**BACKGROUND**

**At its June 2001 meeting, the North Pacific Fishery Management Council (Council) adopted a suite of alternatives, elements and options for analysis of a rationalization program for the Bering Sea and Aleutian Islands (BSAI) crab fisheries (Item C-4(a)). The Council tasked staff to bring back a status report and materials that are available from the analysis for a pre-initial review at this meeting. A document was provided to the Council family prior to the meeting. Under the current timeline, the Council is scheduled to have an initial review of the complete document in February. If the document is deemed to be sufficient, final action on the proposed crab rationalization alternatives would then be scheduled for the April 2002 Council meeting.**

**Final action for this package is unlike most final actions taken by the Council, since Congress may need to modify their moratorium on IFQ programs (and perhaps jurisdiction over inshore processors) before the Council could submit either an IFQ or cooperative alternative to the Secretary of Commerce (SOC). Once the Council's preferred alternative is in compliance with Federal law, it would then need to be melded with a crab EIS that is also currently being developed. It is expected that this can be completed during the summer of 2002, so that the formal EIS/RIR/IRFA package could be submitted to the SOC in the fall.**

**At this meeting staff will provide an update on the work that they have completed to date as well as an update on the contracts that have been let out to provide insights on specific aspects of the program. Staff will also be requesting clarification on several issues that need to be resolved before the initial review analysis can be completed.**

**The Council has entered into two contracts to help facilitate the completion of this analysis. Drs. Milon and Hamilton have been contracted to provide an analysis of the economic impacts of the various IFQ and cooperative structures. Their analysis will be available for review at the February meeting. Dr. Downs has been contracted to provide an analysis of the social and community impacts of the proposed management measures. His report will also be available for the February meeting.**

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**Report of the Scientific and Statistical Committee**

The SSC noted that the preliminary draft analysis does not include an Environmental Assessment and expressed their disagreement with staff's explanation that because a DPSEIS for crab is in preparation on a separate track they considered it unnecessary to prepare a separate EA. Please see the SSC Minutes, Appendix V to these minutes, for more detailed comments on the preliminary analysis.

**Report of the Advisory Panel**

The AP provided a lengthy list of proposed clarifications and additions for the crab rationalization analysis. Please see the AP Minutes, Appendix VI to these minutes, for their recommendations.

**DISCUSSION/ACTION**

**Kevin Duffy moved to adopt the following AP recommendations, clarifying additions for analysis in the Crab Rationalization document, with changes as follows:**

**Issue 1. Clarification of eligibility requirements.--Reword 1.2 option 1 as follows**

1.2 Persons eligible to receive an initial allocation of QS must be:

~~Option 1. Persons that own NMFS certified BSAI crab vessels based on the catch history that gave rise to that vessel's certification, including NMFS approved Amendment 10 combinations, provided PL 106-554 is amended. To qualify as a certified vessel, a vessel must not at any time since October 10, 1998, been ineligible for a U.S.C.G. fishing endorsement. NMFS/RAM approved replacement vessels, qualified under the Amendment 10 exception for replacement vessels that have not at any time since October 1998 been ineligible for a U.S.C.G. fishing endorsement, would also qualify.~~

**Option 1 Any person that holds a valid, permanent, fully transferable LLP license; or**

**Option 2 A person, defined as a U.S. citizen that owns a MarAd certified and/or USCG documented BSAI crab vessel that: (i) was used to satisfy the General Qualification Period and Endorsement Qualification Period landings requirements of the License Limitation Program ("LLP"), and (ii) either was used to satisfy the Recent Participation Period landings requirement of Amendment 10 or meets the exemption requirements of Amendment. ~~10 replacement vessels~~**

**Suboption: Persons who have purchased LLP, with GQP, EQP, and RRP qualifications to remain in a fishery may obtain a distribution of QS on the history of either the vessel on which the LLP is based or on which the LLP is used, NOT both.**

~~Option 2. Persons that own the catch history and/or fishing rights of BSAI crab vessels that satisfied the General Qualification Period and Endorsement Qualification Period landings requirements of the License Limitation Program ("LLP"), and (ii) either the Recent Participation Period landings requirement, or one or more of the specific exemption requirements of Amendment 10 to the LLP.~~

**Issue 2. Eligibility to receive an initial allocation of QS– Replace 1.4.1 option 1 and 2 language as follows:**

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1.4.1. Calculation of initial QS distribution will be based on legal landings excluding deadloss.

(b) Basis for QS distribution.

~~Option 1. For eligibility criteria outlined in paragraph 1.2, Option 1, the distribution of QS shall be based on the catch history of the certified vessel on a fishery-by-fishery basis. The underlying principle of this program is one history per vessel and that the initial allocation of quota share will disallow stacking or combining histories of vessels that are not currently participating in BSAI fisheries, with the exception of Amendment 10 exemptions and replacement vessels with fishery endorsements since October 10, 1998.~~

**Option 1.** For eligibility criteria in paragraph 1.2, the distribution of QS to the LLP license holder shall be based on the catch history of the vessel (including replacement vessels) on which the LLP license and endorsements are based and shall be on a fishery by fishery basis. The catch history upon which the fishing quota shares are derived, must have been earned on vessels that are currently MarAd certified and/or USCG documented fishing vessels. The initial allocation of quota share will allow stacking or combining of LLPs and histories that satisfied (i) the General Qualification Period and Endorsement Qualifying Period landings requirements of the License Limitation Program ("LLP"), and (ii) either the Recent Participation Period landings requirement, or one or more of the specific exemption requirements of Amendment 10 to the LLP.

~~Option 2. For eligibility criteria outlined in paragraph 1.2, Option 2, the distribution of QS shall be based on the catch history of the qualified vessel on a fishery-by-fishery basis. The underlying principle of this program is one history per vessel. However, the initial allocation of quota share will allow stacking or combining of histories of vessels that each satisfied (i) the General Qualification Period and Endorsement Qualification Period landings requirements of the License Limitation Program ("LLP"), and (ii) either the Recent Participation Period landings requirement, or one or more of the specific exemption requirements of Amendment 10 to the LLP.~~

**Option 2.** For eligibility criteria in paragraph 1.2, Option A, the distribution of QS to the LLP license holder shall be based on the catch history of the vessel on which the LLP license is based and shall be on a fishery-by-fishery basis. The underlying principle of this program is one history per vessel. However, the initial allocation of quota share will allow stacking or combining of valid, permanent, fully transferable LLP licenses and of histories of vessels as permitted under the LLP.

**Suboption:** Persons who have purchased LLP, with GQP, EQP, and RRP qualifications to remain in a fishery may obtain a distribution of QS on the history of either the vessel on which the LLP is based or on which the LLP is used, NOT both.

**Issue 3. Application of PQS ownership caps**

Section 2.7.1 (PQS ownership caps) and section 1.6.4 (vertical ownership caps on processors) should be analyzed using both the individual and collective rule and the threshold ownership rule using 10%, 25%, and 50% minimum ownership standards for inclusion in calculating the cap.

**Issue 4. Application of PQS ownership caps**

**PQS ownership caps are at the company level.**

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**Issue 5. Inclusion of closed fisheries**

Staff should provide information describing these fisheries, issues related to recency, potential proxy QS in other crab fisheries. The State of Alaska should be consulted on potential options which can be implemented as trailing amendments.

**Issue 6. Use caps**

It should be clarified that use caps apply fleet wide and are based on percent rather than lbs. Alternative 1.7.4 Option 1 should be modified as follows:

1.7.4 Use caps on IFQs harvested on any given vessel:

Option 1. Range from average to highest of annual catch by vessel by species

**Suboption 1**

- a) fleet average percent of the catch in the qualifying period
- b) highest single vessel percentage of the catch in the qualifying period

**Suboption 2 Options for a specified time period:**

- a) the IFQ qualifying years;
- b) the IFQ qualifying years plus the years from the end of the qualifying period through the year of the final Council action.

**Issue 7. Delete the following option from section 2.3**

~~Option 3. Processing quota shares shall be initially issued to Eligible Processors based on the 1995-1999 processing history for each fishery, determined by the buyer of record listed on ADF&G fish tickets.~~

~~Suboption: Processor able to choose the best 4 of 5 years.~~

**Issue 8. Limits on processor ownership of harvester QS**

Recommend option 2, with grandfather provisions, be applied to both the initially issued QS and any additional purchased.

**Issue 9. Penalties on IPQs**

Modify 2.8.8 option as follows:

**Note: All three options for reclassification of these temporary B QS should require a regionalization designation to maintain the appropriate regional allocations. Additionally, the staff shall include discussion of reasons a processor may not use its quota, including physical inability (e.g. plant breakdown); harvesters being unable to deliver when the processor is able to process; bona fide price disagreement; concern over exceeding the processor quota allotment (when there is only a small amount of processor quota remaining); and bonafide dispute over quality of the crab.**

2.8.2 Penalties - Eligible Processors must fully utilize their processing quota shares in the season while a fishery is open or lose the amount that is not utilized for one season in the next season.

i. Distribution of unused quota:

- Option 1. Distributed to other processors proportionally
- Option 2. Distributed to other processors equally
- Option 3. Allocate to open access.

**Suboption 1. Distribution of QS from A class to B class with regionalization**

- a) reclassification of Class A QS proportionally among all Class A QS holders
- b) reclassification of Class A QS equally among all Class A QS holders
- c) reclassification of the unused Class A QS to B class

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**Issue 10. Options for Catcher/Processors**

**Amend 1.7.1 of the Council motion dated 6/14/01:**

Replace the second sentence with the following: "The following options may apply."

Add new suboption under 1.7.1 (e) **No allowance of the use of B share IFQ crab on catcher processor vessels.**

1.7.2.3 Allowances for Catcher/Processors

**Option 5. Catcher processors that processed crab for any BSAI crab fishery during 1998 or 1999 will be included in the IFQ program.**

**Issue 11. Catch history, co-ops and open access**

**Add 2 new options to 6.2.3 Options for assignment of QS: (Note: the vessel owner may choose which of these options to apply.)**

6.2.3 Other Options/Considerations.

i. Calculation of Co-op Catching and Processing History. A co-op consists of some number of vessels delivering to a processor. Catch histories assigned to each vessel will be determined by analysis of catch and delivery patterns. Processing histories shall be determined in an identical fashion:

Cumulative history of co-op participant (harvester or processor)

Total history of all qualifying co-op participants (harvester or processor)

ii. **New option for Coop calculation is to adopt the same calculation of the QS as adopted for the IFQ component of this analysis (see page 42 of the staff document)**

**Option 1. Catch history is added to the open access pool, and all open access vessels would be allowed to harvest their history. But the coop vessel, since it belonged to a cooperative would not be allowed to participate in the open access fishery during the same year it is in a coop for a specific target fishery.**

**Option 2. Assign all of a person's catch history for a specific target fishery to the respective Cooperatives, if they join only one cooperative. Because the vessel owner is not a member of the other cooperatives, they would not be eligible to participate in the harvest of the other cooperatives' allocations of the target species.**

**Issue 12. Calculation of a cooperative's allocation**

Recommend using the AFA method rather than the State of AK proposed method for calculating Coop histories in order to allow for an open access fishery.

**Issue 13. Regional division of harvest shares**

a) Recommend the regional landing distribution apply to each initial allocation of harvesting shares and processing shares.

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**b) Recommend adding a new section 3.4 Alternative Regionalization/Community Protection Option: Processing history may leave the region of origin (in which history was established) with permission of the community in which the crab was processed in the base period. The processing QS may change regions with negotiated agreement between processors and the originating communities. These agreements will be filed with the Secretary of Commerce 30 days prior to the quota share leaving the community.**

**Issue 14. Provision against leasing**

Recommend exempting from the definition of a lease the use of IFQs on a vessel on which the owner of the underlying QS is present.

**Issue 15 and 16. Skipper qualification criteria**

**Recommend replacing 1.8.1 Options 1 with the SEA skipper and crew initial allocation proposal and Option 2 with the SEA first right of refusal proposal. We further recommend the SEA proposals be modified as follows:**

**Option 1.**

**I. Percentage to Captains and/or crew:**

A range of percentages for initial allocation from 0% to 20% should be analyzed.  
(i.e. 0%, 10%, 20%)

A crewman is defined as a US citizen who held a a commercial fishing landing permit or crew license during the qualifying period.

**II. Species specific:**

As with vessels.

**III. Eligibility:**

i. Determined on a fishery by fishery basis by 1) having at least one landing in the qualifying years used by the vessels and 2) having recent participation in the fishery as defined by at least one landing per year in the fishery in the last two years prior to adoption of a rationalization program by the Council.

ii. As a second option, eligibility could be determined by a point system modeled after that used by the State of Alaska in SE Alaska for limited entry in the Dungeness, King, and Tanner crab fisheries there.

1. Skippers
2. Crew

**IV. Qualification period:**

As with vessels.

**V. Distribution per Captain and/or crew:**

- i) Shares based on landings. (personal catch history based on ADF&G fish tickets).
- ii) Shares distributed equally among qualified participants.
- iii) For crew: distribution based on a point system
- iv) A mix of one or more of the above, with a range of 0-50% distributed equally and the balance based on landings and/or points

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**VI. Transferability criteria:**

- (1) Sale of QS
  - a) QS is fully transferable
  - b) QS is only transferable to active participants
- (2) IFQ leasing
  - a) IFQ is fully leasable
  - b) IFQ is only leasable to active participants
  - c) IFQ is leasable to smaller, distant fisheries (i.e. St. Mathew, Pribilof and Adak King Crab)
  - d) No leasing of IFQ

Use it or lose it would apply to either 1 or 2 above, with a one year hardship provision. If the crew QS holder does not maintain active status in the fishery they would be required to transfer their QS to another active participant in the fishery.

**VII. Skipper on Board requirements**

- a) No onboard requirement for skipper with QS
- b) Initial issues of QS would not be required to be onboard the vessel, subsequent transferees would be required to be onboard the vessel when harvesting QS.
- c) Requirement for skipper to be onboard vessel when harvesting QS.

**Option 2: First Right of Refusal on Quota Share Transfers**

- (1) A range of 0-20% of initially issued QS would be designated as crew shares, these shares would remain as a separate class of QS. Transfer of initially issued QS must include transfer of 0-20% crew shares for which there will be a first right of refusal for eligible crew to buy. The owner of the QS being offered for sale would have to give notice to NMFS RAM division of the impending sale. RAM in turn could then notify the fleet of the available QS. After this initial transfer crew QS will be available for transfer to any active participant in the fishery.
- (2) If a qualified buyer cannot be found then 50% of the 0-20% crew QS offered for sale would have to be gifted to a pool available to qualified buyers and the remaining 50% of the 0-20% could then be offered for sale on the open market to any buyer.
- (3) The skipper/crew pool of QS would be overseen by RAM and that the proceeds from the sale of this QS by auction to the highest qualified bidder would go into a dedicated low interest loan program for skippers and crew.
- (4) Time frame for the first right of refusal is 1-3 months.
- (5) Eligibility of a U.S. citizen to purchase crew shares would be defined by participation in at least one delivery in the subject crab fishery in the last year as evidenced by ADF&G fish ticket or affidavit from the vessel owner.

In addition to the clarifications noted by staff, the following additional recommendations are made:

**Issue 16. Add to 6.2.2 (a) a new option:**

**6.2.2. Processor Sector Options**

Eligible processors as defined under paragraphs 2.1 and 2.3 Option 1, a-g. In addition:

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- (1) C/P vessels may process their own history and the history of those who made deliveries to them, or may deliver their catch to inshore processors;
- (2) inshore processing sector (floaters, mother-ships and shore-based) is restricted to its qualifying processing history and may not convert such history to C/P operations.

~~<AP #3 Deleted>~~

- ~~(3) Allow new processors, meeting the appropriate criteria, to form Co-ops (i.e. no closed class of processors)~~

**Issue 17. Add to 1.6.2 a new option**

**Option 5 A brown king crab QS holder may annually swap with any other brown king crab QS holder, on a pound for pound basis, IFQ in one district for IFQ in the other district.**

**Issue 18. Coop options**

6.1 Use a co-op model that would have similar elements (qualifying years, ownership caps, skipper provisions, etc) as the IFQ program alternative as appropriate and the following options for comparison with the IFQ model:

~~Option 1. AFA-style co-op~~

~~Option 2. Dooley-Hall style co-op~~

**Issue 19 . Remove from section 1.4.2.7 Options for Dutch Harbor Western Aleutians Brown King Crab as follows:**

Suboption: Award each initial recipient QS based on:

~~(a) GHL split Dutch Harbor/western Aleutian Island brown king crab~~

(a) GHL split Dutch Harbor/western Aleutian Island brown king crab

(b) historical participation in each region

**Issue 20. Adjust the range in 1.6.3 (d) as follows:**

1.6.3 Separate and distinct QS Ownership Caps Change option (d) as follows:

Analyze percentage caps ranging from 10 - 40% for the Dutch Harbor and western Aleutian Island BKC – grandfather vessels above the selected amount.

**Issue 21. Requests that a comprehensive section on environmental consequences of these rationalizations alternatives be included in the next draft document.**

**Issue 22. Vessel Ownership Caps should include a 0.5% cap with a grandfather clause for those above this amount to harvest at a 400 million pound opilio season.**

**Issue 23. Provide a qualitative discussion assessing the impacts on other BSAI and GOA fisheries resulting from implementation of the crab rationalization program.**

**The motion was seconded.**

Mr. Duffy suggested that the co-op portion of the motion be severed from the main motion for discussion and voting purposes. Council members agreed.

The following clarifications were made for the analysis:

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- Section VII - Skipper on Board Requirements -- clarified that it is meant to refer to skippers and crew. Under Issue 3, Application of PQS Ownership Caps, staff was requested to include a discussion of buyback impacts to ownership caps.
- Under Issue 5, Staff was requested to include a discussion of the implications on Tanneri and Pribilof brown king crab fisheries.
- Under Issue 9, Penalties on IPQs, it was stressed that the analysis should allow the Council to choose penalties, or no penalties.
- Under the skipper provisions, include the definition of active participants under eligibility criteria provided in the addendum to the AP minutes.
- Also , include the new secton that added limits on ownership on crew quota share that was appended to the AP minutes.
- Under Section 21, regarding environmental concerns, include discussion of bycatch, rebuilding, and higrading.
- Under Section III, Eligibility, analysis will use an adaptation of the State of Alaska's point system applied in these fisheries.
- Regarding Transferability Criteria, the discussion of IFQ leasing is not meant to open the door to new participants in the category, but to include only active participants.
- Add an option (3) to Section 1.4.2.3, to base qualifying period for determination of the QS distribution for EBS bairdi on a 50/50 combination of harvesting history for BBRKC and opilio. [Staff pointed out that this would result in a very large number of alternatives.] Council indicated they would consider limiting the scope and would instruct staff later.
- Section 1.4.2.8, Option 2, regarding Adak red king crab, add a third option, as follows: "(c) not appropriate for further rationalizaton in this plan."

After this discussion, the Council set aside the motion pending separate discussion of co-ops.

**Kevin Duffy moved to substitute the the following under for the AP recommendations on Issue 18, Co-op options:**

6.2 State Voluntary Cooperative: The purpose of the voluntary cooperative for BSAI crab fisheries is to allow harvesting, processing and community interests to share in the benefits of a rationalized fishery, enhanced by formal cooperation between buyers and sellers. A cooperative structure encourages entities with common and mutual interests to approach those interests through a common perspective.

- i. Individual harvesting and processing histories are issued to both catcher and processors.  
(Harvesters under Section 1.3.2 a) which meet program qualifications. Processors under Section 2.1 and 2.3 which meet qualifications of the program).
- ii. Cooperatives may be formed through contractual agreements among fishermen who wish to join into a cooperative with one or more processors holding processor history for one or more species of crab. Fleet consolidation within this cooperative may occur either by internal history leasing and vessel retirement or by history trading within the original cooperative or to a different cooperative. Cooperatives to form contractual agreements among fishermen who wish to join into a cooperative with one or more processors for one or more species of crab. Fleet consolidation within this cooperative may occur either by internal history leasing and vessel retirement or by history trading within the original cooperative or to a different cooperative.
- iii. There must be at least 2 or more unique vessels/owners to form a coop with a processor. Vessels are not restricted to deliver to a particular plant or processing company.

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- iv. New processors may enter the fishery by acquiring processor history from an initial issue. Cooperative formation with a new processor lacking processing history requires the new processor to offer both an adequate payment to the vessel and to the originating plant where the prior processing history resided.
- v. Custom processing would continue to be allowed within this rationalization proposal.
- vi. Provide an opportunity for communities. Processing history may leave the region of origin (in which history was established) with permission of the community in which the crab was processed in the base period. The processing QS may change regions with negotiated agreement between processors and the originating communities. These agreements will be filed with the Secretary of Commerce 30 days prior to the quota share leaving the community.

The motion was seconded.

Mr. Duffy clarified that this section would completely replace the corresponding section on co-ops approved in June.

Dennis Austin moved to to include the AP recommendation on co-ops as an additional option. This was accepted as a friendly amendment after two amendments to the AP recommendation were made: (1) Use pounds instead of price to determine eligibility; (2) under "Operation of Co-op, Section B(ii), use a range of 50 to 90% for analysis.

Other clarifications made to the motion:

- Under Issue 16, a new Option 3 would be added: "For a processor no longer involved in the crab fisheries, that delivery history would go into open access, but that history would retain the regional tag."
- Under the original Section 6.2 (now deleted), add section 6.2.1(c) back in under Issue 18:  
Regional Categories:  
Option 1: No regional categories.  
Option 2: Harvester cooperatives regional categories for deliveries of Bering Sea crab as in paragraph 1.3.4.  
Option 3: Harvester cooperatives' regional categories for deliveries of Aleutian Islands brown king and Adak red king crab split into a "Western" (west of 174°W longitude) and "Eastern" (east of 174°W) area.

The entire motion, as clarified and amended, carried unanimously. A copy of the Council's final action is attached to these minutes as Appendix VII.

C-5 American Fisheries Act

**ACTION REQUIRED**

- (a) **Review and comment on AFA EIS and Proposed Rule.**
- (b) **Discuss potential AFA extension.**
- (c) **Review co-op agreements for 2002 and preliminary co-op reports for 2001.**
- (d) **Review industry response to ADF&G request for ownership information, and provide direction on submission of report to Congress.**

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BACKGROUND

(a) AFA EIS and Proposed Rule

The draft EIS examining alternative implementation approaches to the AFA was sent to you last month. Previous analyses are incorporated within the EIS, and the collective actions of the Council since the fall of 1998 are identified as the Preferred Alternative. Associated with this EIS is the Proposed Rule, which would implement the Council's collective AFA actions via permanent rulemaking. That document is pending publication in the Federal Register and is expected to be available at this meeting. NMFS staff will summarize both the EIS and the components of the Proposed Rule, both of which are in the public comment period. The Council may wish to comment on these drafts, recognizing that major changes to the Proposed Rule are likely not possible, and would probably need to be the subject of follow-up amendments. The Council has already initiated several AFA-related amendments, the status of which will be discussed under Agenda Item D-2, Staff Tasking. Recent Congressional action, described below, may have implications for some aspects of the Proposed Rule, particularly the expiration date. For example, the Secretary could simply disapprove the expiration date contained in the current Proposed Rule and FMP text, while approving the rest of the package, in order to be consistent with Congressional action. A copy of the proposed FMP text is included as Item C-5(a).

(b) Potential AFA Extension

In previous Council meetings the issue of extending the AFA beyond its current 2004 expiration date has been discussed, recognizing its benefits to the pollock fisheries as well as complementing Steller Sea Lion RPAs. We had intended to receive a discussion paper from NMFS and Council staff, and NOAA GC, at this meeting which would examine the stipulated provisions of the AFA, provisions which are under the discretion of the Council, relevant timelines, and how an extension by the Council would integrate with existing or future amendments to the AFA being developed by the Council. Because of recent Congressional action deleting the sunset provision in the AFA, this discussion has been greatly simplified. The language below was excerpted from recent Congressional legislation:

*The conference agreement contains a new section 211 that amends section 213 of Public Law 105-277, the American Fisheries Act. This change would delete a sunset provision and instead authorize an annual appropriation, making permanent the prohibition on directed pollock fishing by non-AFA catcher processors, even though this sector has some pre-AFA pollock history. The conferees understand that North Pacific groundfish fishermen and processors have agreed to work together on a proposal for consideration by the North Pacific Fishery Management Council for non-AFA catcher/processors to maximize utilization of their historic pollock catch. The conferees request that the appropriate Committees be notified immediately should the Secretary determine that the AFA statute precludes the Council from developing a regulation implementing the aforementioned agreement. The substitution of a September 30, 2004 reauthorization date for the original December 31, 2004 sunset date is intended to ensure a full Congressional review of the AFA within six years of its passage, as originally planned. This will allow consideration of AFA issues during the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. Further, the conferees expect that any further authorization changes to the AFA will be addressed through the authorization committee process.*

In essence, this deletes the sunset provision and instead applies a reauthorization date of September 30, 2004, which means that unless and until changed by Congress through reauthorization, Sections 206, 208, and 210 are permanent. The Council cannot make changes to Sections 206 and 208, which deal with sector allocations (other than CDQ) and eligible participants respectively. The Council may continue to make adjustments to other sections of the AFA, as outlined in the existing provisions of the Act, presumably including consideration of the proposal referenced in the conference report above. NMFS and NOAA GC may have additional advice for the Council at this meeting.

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(c) Co-op Agreements and end-of-year Reports

Annually the Council reviews the co-op agreements for the upcoming fishing year, and the end-of-year co-op reports for the preceding year. As we did last year, I requested co-op representatives to provide us copies of individual co-op agreements only if there were changes to those agreements since the last version. We are expecting those to be available for review at this meeting, along with the inter-co-op agreements, particularly those relating to salmon bycatch management. I also expect the preliminary end-of-year reports to be made available for review at this meeting. We were unable to distribute these ahead of the meeting, as the deadline for submission was December 1.

Recognizing that final co-op reports are due in February, and that we have salmon bycatch issues as a major agenda item in February, I have asked the co-op representatives to give us a brief presentation at this meeting on both their co-op agreements and their end-of-year reports, including a brief presentation on the results of the salmon bycatch agreement.

(d) Ownership information and the AFA Report to Congress

At the June meeting, and again in October, you reviewed the draft AFA Report to Congress compiled by Council staff and Dr. Michael Downs. In October you asked us to delay submission of the report, pending the provision of ownership information from the AFA catcher vessel sector. Northern Economics, Inc., under contract to ADF&G, is compiling this information, and since the October Council meeting has received a high degree of cooperation - as of November 27 they have received detailed responses covering 111 of the 112 AFA-eligible catcher vessels. We expect this information to be synthesized within the next week or two for inclusion in our Report to Congress, pending your direction that the report is ready for submission with this inclusion.

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda item.

**DISCUSSION/ACTION**

Because of the press of other business, the Council did not address this agenda issue.

C-6 Halibut/Sablefish IFQ Program

**ACTION REQUIRED**

- (a) Review IFQ Committee report.
- (b) Initial review of community QS purchase amendment (Amendment 66).

**BACKGROUND**

(a) Review IFQ Committee report

The newly appointed IFQ Implementation and Cost Recovery Committee (Item C-6(a)(1)) will convene on December 2 to review and comment on the IFQ fee percentage of the commercial IFQ program for 2001 and to review four enforcement issues brought to the committee by NMFS Enforcement Division staff. The public notice for the IFQ Cost Recovery Program for 2001 is attached as Item C-6(a)(2). The NMFS letter on the enforcement issues is attached as Item C-6(a)(3). The committee minutes will be distributed during the meeting.

(b) Initial review of community QS purchase amendment

The proposed action would allow eligible Gulf of Alaska communities to purchase commercial halibut and sablefish catcher vessel quota share (QS) in Areas 2C, 3A, and 3B for lease to community residents. The change would create a new category of eligible "person" that may hold halibut and

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sablefish quota share, with restrictions as developed by the Council and approved by the Secretary of Commerce. Currently, only persons who were originally issued catcher vessel QS or who qualify as IFQ crew members by working 150 days on the harvesting crew in any U.S. commercial fishery are eligible to purchase catcher vessel (B, C, and D category) quota share.

The proposed action targets small, rural, fishing-dependent coastal communities in the Gulf of Alaska that have documented participation in the halibut and sablefish fisheries. The concept is based on allowing an eligible community to identify or form an administrative entity to purchase and manage commercial QS, and lease the resulting IFQs to community residents. The criteria proposed to determine eligible communities are intended to distinguish a distinct set of rural Gulf communities that have experienced a decline in QS since the implementation of the IFQ program and have few alternative economic opportunities. While not necessarily a direct result of the implementation of the commercial IFQ program, declines in community fishermen and access to nearby marine resources are on-going problems in rural communities that may be exacerbated by the IFQ program. There has been a substantial decline in the amount of QS and the number of QS holders in the majority of the target Gulf communities since initial issuance, and this trend may have a severe effect on unemployment and related social and economic impacts.

The goal of the action is to help ensure eligible communities access to and sustained participation in the IFQ fisheries. Community entities may have more access than individual residents to the capital required to buy QS, as well as the financial stability to risk that investment. In addition, a community may better be able to purchase and use the QS as a long-term investment or "resource endowment" for the benefit of the community.

The Council began considering allowing communities to purchase commercial halibut/sablefish QS in June 2000 in response to a proposal from the Gulf of Alaska Coastal Communities Coalition (Coalition). The proposal cited the disproportionate amount of QS transfers out of smaller, rural communities as a symptom of the continuing erosion of their participation in the commercial IFQ fisheries. Consideration of including communities in the commercial IFQ program is motivated by other sources as well. Several provisions of the Magnuson-Stevens Act, specifically National Standard 8, require that management programs take into account the social context of the fisheries, especially the role of communities. In addition, the National Research Council report, *Sharing the Fish* (1999), recommends that NMFS and the Council consider including fishing communities as stakeholders in fishery management programs, emphasizing the potential for communities to use QS to further overall community development.

The proposed action would be an amendment to the Gulf FMP (Amendment 66). The initial review draft of this analysis considers two alternatives: Alternative 1 (no action) and Alternative 2, which would allow eligible communities to hold commercial halibut and sablefish QS. The analysis considers eight elements under Alternative 2 that would shape the essential components of the IFQ program as it would relate to community purchases:

- Element 1. Eligible communities
- Element 2. Appropriate ownership entity
- Element 3. Individual community use caps
- Element 4. Cumulative community use caps
- Element 5. Purchase, use, and sale restrictions (vessel size and block restrictions)
- Element 6. Code of conduct
- Element 7. Administrative oversight
- Element 8. Sunset provision

The Council approved a suite of options for analysis under each of the above elements in June 2001. The complete list of alternatives is attached to this memo as [Item C-6\(b\)\(1\)](#). The draft analysis was sent to the Council on November 9. Initial review of the draft analysis is scheduled for this meeting, and final action is currently scheduled for February 2002.

The Advisory Panel did not address this agenda item.

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**Report of the Scientific and Statistical Committee**

The SSC recommended the draft analysis be revised before it is released for public review. Please see the SSC Minutes, Appendix V to these minutes, for SSC concerns and recommendations.

**DISCUSSION/ACTION**

The Council did not receive a report on the IFQ Committee recommendations due to a lack of time.

Initial review of community QS purchase amendment (Amendment 66).

**Kevin Duffy moved that staff revise the analysis to respond to Council and SSC comments, with additional review by the Advisory Panel in February. At that time the Council will consider final action for April or June.** The motion was seconded by Bob Penney and carried without objection.

A proposal by GOACC was considered for inclusion, but because of the timing of the proposal and the work involved, it was suggested that the proposal be reviewed by the AP in February.

C-7 Essential Fish Habitat

**ACTION REQUIRED**

- (a) **Receive EFH committee report and summary of NMFS workshop.**
- (b) **Discuss alternatives for designating EFH/HAPC.**

**BACKGROUND**

The Council appointed an Essential Fish Habitat (EFH) Committee in May 2001, to work with NMFS and Council staff to develop alternatives for the SEIS and review the draft documents before publication. The EFH committee met on November 5 and 9 in conjunction with the NMFS workshop. The purpose of the meeting was to review significant issues raised during the scoping process and to develop a list of recommended alternatives for designating EFH and habitat areas of particular concern (HAPC). The committee subsequently met twice via teleconference to refine the details of their recommendations and report, which will be distributed at the Council meeting. The Council will need to develop a list of alternatives for designating EFH & HAPC.

The next step of the EFH EIS process will be the development of alternatives to mitigate the effects of fisheries on EFH. The committee will meet on January 7-8 to discuss this issue and will present a list of recommended alternatives to the Council in February.

The Advisory Panel did not address this agenda item.

**Report of the Scientific and Statistical Committee**

The SSC suggested that there is a need to decide on the philosophical perspective that the cncl wishes to assert while exercising its EFH responsibilities. Assuming a broad sense of responsibility would position the cncl as the guardian of all biota within its domain.

**DISCUSSION/ACTION**

The Council received an update on the EFH litigation from NOAA General Counsel, advising that a settlement has been reached regarding the process for the EFH EIS.

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The Council received a report from the EFH Committee (Appendix VIII to these minutes) with recommendations for alternatives to be analyzed.

**Earl Krygier moved to approve the recommendations of the EFH Committee for EFH and HAPC alternatives for analysis.** The motion was seconded by Bob Penney and carried without objection. The issue will be scheduled early on the February agenda and will be put on the agenda for the joint Board/Council meeting.

C-8 Programmatic Groundfish SEIS

**ACTION REQUIRED**

**Receive status report from NMFS and NOAA General Counsel.**

**BACKGROUND**

In October, we received a status report from Steve Davis, SEIS Team Leader, on the team's review and synthesis of public comments received on the draft programmatic SEIS. The team expected to complete its review and have a written report ready at this meeting. This work was completed and a copy of the Draft Comment Analysis Report (CAR) is included in your supplemental folder. Also in October, the Council requested that a letter (item C-8(a)) be sent to Secretary Evans expressing the Council's desire to be a full partner in developing the preferred alternative and finalizing the DSEIS. We also wanted a briefing from NOAA GC on any settlement talks and whether we could be involved.

Though we have not received a formal response to our letter, NMFS recently published a Notice of Intent (item C-8(b)) to revise the DSEIS in 2002 and 2003. It will be restructured from "...single-focus alternatives to more comprehensive, multiple-component alternatives." NMFS will work with the Council and stakeholders in restructuring the document and the alternatives. At this meeting, NMFS will present a preliminary framework within which restructured alternatives will be developed. It is unclear in the FR notice of intent exactly when the Council will be expected to choose a preferred alternative. If possible, the timing of that decision should be clarified by NMFS.

Our newly reconstituted Ecosystems Committee (item C-8(c)), chaired by Dr. Fluharty, will play a major role in advising the Council on how to move toward ecosystem-based management and restructured and preferred alternatives. The Committee will hold a brief organizational meeting at lunch time, probably on Thursday, December 6<sup>th</sup>. Their main work will commence early next year.

The Advisory Panel did not address this agenda item. The Scientific and Statistical Committee received a report from NMFS staff regarding the need for a revised groundfish programmatic SEIS.

**DISCUSSION/ACTION**

The Council received an update from NMFS staff on current plans for the Groundfish Programmatic SEIS. The Council discussion focused on questions relating to the Council's role in the process.

**Stephanie Madsen moved to send a letter to Dr. Hogarth asking to clarify the Council's role, to reaffirm the purpose of a programmatic EIS and requesting a response to the Council's previous letter requesting more direction on where the responsibility lies in develops the alternatives and who evaluates the criteria.** The motion was seconded by Robin Samuelsen and carried without objection.

It was suggested that NOAA General Counsel be requested to provide an opinion on whether or not NMFS can insert an alternative into the EIS without benefit of Council action. The Council concurred with this recommendation.

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Jim Balsiger stressed that NMFS is not interested in an antagonistic relationship with the Council and wish to work together in a cooperative manner.

Chairman Benton suggested that he may consider appointing a small ad hoc workgroup between now and February, perhaps including the Executive Director, David Witherell, and Dennis Austin to interact with the Agency as the alternatives are being shaped. Stephanie Madsen indicated she would be interested in participating in the workgroup if it was formed.

C-9 Steller Sea Lion Issues

**ACTION REQUIRED**

**Receive report on Alaska Board of Fisheries actions and agency response from NMFS.**

**BACKGROUND**

**The Alaska Board of Fisheries met on November 13 and 14 in Anchorage. One of the issues discussed was their response to the Council's October action relative to fishery management changes designed to protect Steller sea lions. Council staff and ADF&G, and NMFS staff provided background presentations to the Board.**

**A summary of the Board's actions is attached (Item C-9(a)). Essentially, the Board delegated authority to ADF&G to mirror federal regulations adopted for pollock, cod, and mackerel fisheries. In addition, haulouts of Cape Barnabas and Caton Island would be open to fishing with pot gear within 0-3 nm. The season for Pacific cod in the Chignik area would begin on March 1. These regulations sunset on December 31, 2002. The Board's motion also requested the Council to include these options in the trailing amendment package.**

Comparison of measures adopted by the Council and by the Board of Fisheries.

<u>Area</u>	<u>Council Action</u>	<u>Board Action</u>
Cape Barnabas	0-3 nm open to jig gear 0-3 nm closed to trawl & fixed gear	0-3 nm open to jig gear 0-3 nm open to pot gear
Caton Island	0-3 nm open to jig gear 0-3 nm closed to trawl & fixed gear	0-3 nm open to jig gear 0-3 nm open to pot gear
Chignik Area	Open State waters cod fishery seven days after closure of directed Federal season in Central Gulf	open state fishery on March 1

**Item C-9(b) contains NMFS's response to the Board's recommendations.**

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda item.

**DISCUSSION/ACTION**

The received a report on the Board of Fisheries response to the Council's October action on fishery management changes designed to protect Steller sea lions. The Board has delegated authority to ADF&G to mirror federal regulations for pollock, cod, and mackerel fisheries. Additionally, Cape Barnabas and Caton Island haulouts would be open to fishing with pot gear within 0-3 nm, and the season for Pacific cod in the Chignik area would begin on March 1. The regulations would sunset on December 31, 2002. The Board

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has requested the Council to include these options in the trailing amendment packaged for possible implementation in 2003. The Council ask staff to put these issues on the agenda for the joint Board-Council meeting in February.

**D. FISHERY MANAGEMENT PLANS**

D-1(a) Final BSAI Groundfish SAFE and Specifications for 2002

**ACTION REQUIRED**

- (a) **Approve 2002 BSAI EA and Final Stock Assessment and Fishery Evaluation (SAFE) report.**
- (b) **Approve final BSAI groundfish specifications for 2002:**
  - 1. **Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC);**
  - 2. **Seasonal apportionment of the fixed gear Pacific cod TAC; and**
  - 3. **Bycatch allowances, and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories.**

**BACKGROUND**

At this meeting, the Council makes final recommendations on groundfish and bycatch specifications as listed above. These final specifications will be used for management of the 2002 groundfish fisheries.

(a) **BSAI SAFE Document**

The groundfish Plan Teams met in Seattle November 6-9 to prepare the final SAFE documents provided for this meeting. This SAFE forms the basis for groundfish specifications for the 2002 fishing year. Note that there are three sections to the SAFE report: a stock assessment section, a fishery evaluation section ("economic SAFE"), and an ecosystems considerations section. These three sections, together with the GOA SAFE, are incorporated into the Environmental Assessment for the 2002 groundfish total allowable catch specifications.

(b) **ABCs, TACs, and Apportionments**

At this meeting, the Council will establish final catch specifications for the 2002 fisheries. SSC and AP recommendations will be provided to the Council during the meeting. Attached as Item D-1(a)(1) are Tables 4 and 5 from the SAFE summary chapter indicating ABCs and biomass levels. The Plan Team's sum of recommended ABCs for 2002 is 3,185,076 mt. Overall, the status of the stocks continues to appear relatively favorable, although in some cases biomass has declined due to below average recruitment. None of the groundfish stocks are overfished or approaching an overfished condition.

Other final specifications include making the seasonal apportionment of the fixed gear Pacific cod TAC, and establishing bycatch allowances and seasonal apportionments of Pacific halibut, red king crab, Tanner crab, opilio crab, and herring to target fishery (PSC) categories.

**Adopt Seasonal Apportionments of the Pacific Cod TAC Allocated to Fixed Gear**

**Amendment 24 regulations allow seasonal apportionment of the Pacific cod TAC allocated to vessels using hook-and-line or pot gear. Seasonal apportionments will be divided among trimesters and established through the annual specifications**

Seasonal apportionments can be based on the following information:

- 1. Seasonal distribution of Pacific cod relative to PSC distribution;
- 2. Expected variations in PSC bycatch rates in the Pacific cod fishery throughout the fishing year; and
- 3. Economic effects of any seasonal apportionment of Pacific cod on the hook-and-line and pot gear fisheries.

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process. In recommending seasonal apportionments, regulations require the Council to base its decision on factors listed in the adjacent box.

Under Amendment 46, two percent of the TAC is reserved for jig gear, 51 percent for fixed gear, and 47 percent for trawl gear. The trawl apportionment will be split between catcher vessels and catcher processors 50/50. Under Amendment 64, the fixed gear apportionment is further allocated as follows: 80% to freezer longline vessels; 0.3% to longline catcher vessels; 18.3% to pot gear vessels; and 1.4% to catcher vessels (longline or pot) less than 60 feet length overall.

For the 2001 fisheries, the Council recommended seasonal Pacific cod apportionments as follows: for freezer longline gear, apportionments of 60,000 mt, 0 mt, and 10,951 mt; for pot catcher vessels, 13,230 mt, 3,000 mt, and 0 mt for the three seasons. Note that under the Steller sea lion protection measures adopted by the Council in October 2001, there are 2 seasons for BSAI fixed gear Pacific cod fisheries, with a 60%-40% split of the TAC. Season dates for longline and jig gear will be 1/1-6/10 and 6/10-12/31. Season dates for pot gear will be 1/1-6/10 and 9/1-12/31.

**Adopt bycatch allowances of Pacific halibut, crab, and herring**

**Halibut**

For the Trawl Fisheries: A 3,675 mt limit on halibut mortality has been established for trawl gear. This limit can be apportioned to the trawl fishery categories as shown in the adjacent box. Note that under Amendment 46, the trawl halibut PSC mortality cap for Pacific cod will be no greater than 1,600 mt.

Categories used for prohibited species catch (PSC) apportionment in trawl fisheries.

1. Greenland turbot, arrowtooth flounder and sablefish;
2. rock sole and "other flatfish;"
3. yellowfin sole;
4. rockfish;
5. Pacific cod; and,
6. pollock, Atka mackerel and "other species."

For Fixed Gear Fisheries: A 900 mt non-trawl gear halibut mortality can be apportioned to the fishery categories listed in the adjacent box. Note that under Amendment 46, the hook-and-line halibut PSC mortality cap for Pacific cod will be no greater than 900 mt. Item D-1(a)(2) is a table indicating this past year's PSC allocations and seasonal apportionments for the trawl and non-trawl fisheries. Item D-1(a)(3) is a current summary of PSC bycatch accounting for BSAI fisheries.

Categories used for PSC apportionment in non-trawl fisheries.

1. Pacific cod;
2. Other non-trawl (longline sablefish and rockfish, and jig gear)
3. Groundfish pot (exempt in recent years)

**Crab**

Prescribed bottom trawl fisheries in specific areas are closed when prohibited species catch (PSC) limits of C. bairdi Tanner crab, C. opilio crab, and red king crab are taken. Amendment 37 established a stairstep procedure for determining PSC limits for red king crab taken in Zone 1 trawl

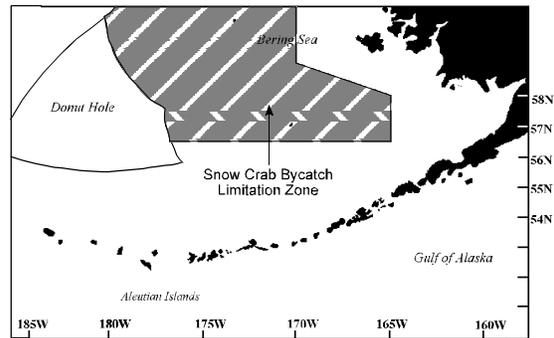
PSC limits for red king crab and <u>C. bairdi</u> Tanner crab.			
Species	Zone	Crab Abundance	PSC Limit
Red King Crab	Zone 1	Below threshold or 14.5 million lbs of effective spawning biomass (ESB)	35,000
		Above threshold, but below 55 million lbs of ESB	100,000
		Above 55 million lbs of ESB	200,000
Tanner Crab	Zone 1	0-150 million crabs	0.5% of abundance
		150-270 million crabs	750,000
		270-400 million crabs	850,000
		over 400 million crabs	1,000,000
Tanner Crab	Zone 2	0-175 million crabs	1.2% of abundance
		175-290 million crabs	2,100,000
		290-400 million crabs	2,550,000
		over 400 million crabs	3,000,000

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fisheries. PSC limits are based on abundance of Bristol Bay red king crab as shown in the adjacent table. Given NMFS and ADF&G's 2001 abundance estimate for Bristol Bay red king crab, a Zone 1 PSC limit will be established at 100,000 red king crabs for 2001. This will be further reduced by 3,000 crabs with adoption of Amendment 57, so the total red king crab PSC limit in 2002 will be 97,000 crabs. The regulations also specify that up to 35% of the PSC apportioned to the rock sole fishery can be used in the 56° - 56°10'N strip of the Red King Crab Savings Area..

Amendment 41 established stairstep PSC limits for Tanner crab. Given 2001 survey abundance of 624 million Tanner crab, and the 50,000 crab reduction as part of Amendment 57, the 2002 C. bairdi PSC limits will be established at 980,000 Tanner crabs in Zone 1 and 2,970,000 Tanner crabs in Zone 2.

Under Amendment 40, PSC limits for snow crab (*C. opilio*) are based on total abundance of *opilio* crab as indicated by the NMFS standard trawl survey. The snow crab PSC cap is set at 0.1133% of the Bering Sea snow crab abundance index, with a minimum PSC of 4.5 million snow crab and a maximum of 13 million snow crab. Amendment 57 included a provision to reduce the PSC limit for snow crab by an additional 150,000 crabs. Snow crab taken within the "C. Opilio Bycatch Limitation Zone" accrue towards the PSC limits established for individual trawl fisheries. The 2000 survey indicated a total population of 3.86 billion crabs. Therefore, the 2002 snow crab PSC limit will be established at 4,350,000 crabs.



Location of the *C. opilio* bycatch limitation zone.

### Herring

Amendment 16a established an overall herring PSC bycatch cap of 1 percent of the EBS biomass of herring. This cap is to be apportioned to the same six PSC fishery categories listed above, plus a seventh group, mid-water pollock. Last year, the Alaska Department of Fish and Game forecasted the 2001 herring biomass at 152,600 mt. The 2001 PSC limit was set at 1 percent of the biomass in metric tons, or 1,526 mt. At this meeting, ADF&G staff will provide a herring biomass projection for 2002, from which the 2002 herring PSC limit will be established.

### Seasonal Apportionment of bycatch limits

The Council may also seasonally apportion the bycatch allowances. Regulations require that seasonal apportionments of bycatch allowances be based on the following types of information listed in the adjacent box. Additional information on PSC limits and apportionments is presented in a BSAI SAFE Appendix.

Factors to be considered for seasonal apportionment of bycatch allowances.

1. Seasonal distribution of prohibited species;
2. Seasonal distribution of target groundfish species relative to prohibited species distribution;
3. Expected prohibited species bycatch needs on a seasonal basis relevant to change in prohibited species biomass and expected catches of target groundfish species;
4. Expected variations in bycatch rates throughout the fishing year;
5. Expected changes in directed groundfish fishing seasons;
6. Expected start of fishing efforts; and
7. Economic effects of establishing seasonal prohibited species apportionments on segments of the target groundfish industry.

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**Staff will present a worksheet with SSC and AP recommendations for ABCs, TACs, PSC and seasonal apportionments when the Council addresses this action item.**

**Report of the Scientific and Statistical Committee**

The SSC concurred with the Plan Team's recommendations for ABCs for all species and species categories, except for the "Squid and Other Species" category. The SSC considers the calculation procedures for this species group to be problematic. The SSC recommended the cncl create a committee to develop more appropriate exploitation and management strategies for non-target species. Please see the SSC Minutes, Appendix V to these minutes, for SSC comments on each species and more specific comments on the "squid and other species" category.

**Report of the Advisory Panel**

The AP requests the Council approve the SAFE reports for the BSAI and GOA. *Motion passed 18/1.*

Additionally, the AP approves the SSC's ABC with the following changes as included in the attachment:

- GOA: Set TAC for Shallow water flatfish in WGOA to 4,500 mt and CGOA to 13,000mt
- Set TAC Flathead sole in WGOA to 2,000 mt and CGOA to 5,000mt
- Set TAC Arrowtooth flounder in all areas: WGOA 8,000mt, CGOA 25,000 mt, WYAK 2,500mt, EYAK/SEO 2,500mt
- Decrease Other slope rockfish in WYAK to 150mt and EYAK/SEO to 200 mt

For PSC's, the AP adopted the following:

<b>Halibut PSC Limits - Trawl</b>			
	shallow	deep	Total
Jan 20 - Apr 1	450	100	550
Apr 1 - Jul 1	100	300	400
Jul 1 - Sept 1	200	400	600
Sept 1 - Oct 1	150	any rollover	150
Oct 1 - Dec 31	no apportionment		300
Total	900	800	2000

<b>Halibut PSC Limits - Fixed</b>	
Jan 1 - June 10	250
June 10 - Aug 31	5
Aug 31 - Dec 31	35
DSR	10
Total	300

Please see the AP Minutes, Appendix VI to these minutes, for the tables showing its recommendations for TACs and apportionments.

**DISCUSSION/ACTION**

**Roy Hyder moved to approve the SAFE documents and the accompanying Environmental Assessment for the 2002 BSAI and GOA groundfish fisheries.** The motion was seconded by Dave Fluharty and carried without objection.

**Roy Hyder moved to approve the recommendations of the SSC for the BSAI and GOA ABCs for the 2002 groundfish fisheries, and the AP's recommendations for TAC, including apportionments and seasonal allowances, and halibut mortality discard rates.** The motion was seconded by Dave Fluharty.

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It was clarified that there was an error in the table for 2002 BSAI non-trawl fisheries PSC bycatch allowances: the Pacific cod halibut mortality bycatch allowance should be 775 mt other non-trawl should be 58 mt. This was accepted as a friendly amendment to the motion.

Also, Mr. Bundy offered a friendly amendment to recommend NMFS increase the arrowtooth flounder allocation to the non-specific reserve for CDQ fisheries from 15% to 50%. This was also accepted as a friendly amendment.

It was also clarified that any unused halibut PSC in the GOA in one season would be rolled over into the next season was included in the motion.

Stephanie Madsen pointed out for the record that using Tier 3 for the Bering Sea pollock fishery would have increased the pollock TAC by 200,000+ mt. Information from the Plan Team indicates there will be some robust year classes coming in and based on the surveys and Plan Team recommendations the Council is being conservative in setting the current TACs for pollock as well as for Pacific cod.

The motion, as amended, carried with Balsiger objecting (the 2002 specifications will be put into place by emergency rule).

**Earl Krygier moved to ask the plan team to analyze the management of separate species areas for red rockfish for possible action next year. The analysis would include a discussion how CDQ groups could be accommodated by giving them an overall CDQ allocation for those species rather than by group.** The motion was seconded Robin Samuelsen.

It was clarified that the current management practice would continue through 2002.

Staff pointed out that last year, based on recommendations from the Plan Team and comments by the SSC and AP, the Council did break other red rockfish out by species in the BSAI and recommended that the TACs be apportioned, based on biomass, into separate TACs for each species in the Bering Sea and in the Aleutian Islands. However, NMFS was unable to manage those specific TACs by species or by area and instead combined the shortraker and rougheye TAC in the Aleutians and the shortraker and rougheye TAC in the Bering Sea.

Stephanie Madsen suggested the a discussion of impacts should be expanded to include all entities, not just CDQs. This was accepted as a friendly amendment.

Jim Balsiger pointed out that this would not be a plan team task, but would have to be developed as a plan or regulatory amendment because the potential allocative, CDQ, and management issues.

During discussion of a time frame for an analysis, Mr. Krygier indicated that he thought it would be part of the specifications process next October and December. After further discussion, it was suggested that staff would return in February with a plan on how to deal with the issue. This was accepted as a friendly amendment.

The motion carried without objection.

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D-1(b) Final GOA Groundfish SAFE and Specifications for 2002

**ACTION REQUIRED**

- (a) Approve 2002 GOA EA and Final Stock Assessment and Fishery Evaluation (SAFE) report.
- (b) Approve final GOA groundfish specifications for 2002:
  - 1. Acceptable Biological Catch (ABC), and annual Total Allowable Catch (TAC); and
  - 2. Prohibited Species Catch Limits.
- (c) Approve halibut discard mortality rates for the 2002 CDQ groundfish fisheries.

**BACKGROUND**

(a) GOA SAFE Document

The groundfish Plan Teams met in Seattle November 6-9 to prepare the final SAFE documents provided for this meeting. This SAFE forms the basis for groundfish specifications for the 2002 fishing year. Note that there are three sections to the SAFE report: a stock assessment section, a fishery evaluation section ("economic SAFE"), and an ecosystems considerations section. These three sections, together with the BSAI SAFE, are incorporated into the Environmental Assessment for the 2002 groundfish total allowable catch specifications. The EA, incorporating all these sections, was mailed to you on November 14. The GOA Plan Team and Joint Plan Team minutes are attached as Items D-1(b)(1) and (2).

(b) ABCs, TACs, and Apportionments

At this meeting, the Council will establish final catch specifications for the 2002 fisheries. The SSC and AP recommendations will be provided to the Council during the meeting. Tables 1 and 2 from the SAFE summary chapter report ABCs and biomass levels are attached as Item D-1(b)(3). The sum of the Plan Team's recommended ABCs for 2002 is 394,780 mt. Overall, the status of the stocks is declining. The sum of ABCs declined by 12 percent compared with last year, principally due to a decline in pollock (-45%) and Pacific cod (-15%) stocks. None of the groundfish stocks are overfished or approaching an overfished condition.

**Report of the Scientific and Statistical Committee**

The SSC concurred with the Plan Team's recommendations of ABC for all species and species groups. Please see the SSC Minutes, Appendix V to these minutes, for comments specific to each species category and for general comments regarding the groundfish SAFE documents.

**DISCUSSION/ACTION**

The Council approve the Gulf of Alaska groundfish SAFE document and accompanying EA for the 2002 groundfish specifications under the Bering Sea agenda item (D-1(a)).

**Stosh Anderson moved to amend to approve the AP recommendation to allocate Pacific cod ABC between management areas in the GOA based on the average of the last three GOA bottom trawl surveys in each of the GOA management areas, Western, Central, and Eastern.** The motion was seconded and carried without objection.

Mr. Anderson advised that his intent would be that the use of averaging from the three previous Gulf of Alaska bottom trawl surveys would become the standard practice in setting area-specific apportionments in the Gulf cod ABC.

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**By friendly amendment, this recommendation would be for 2002 only. The Council will seek plan team and SSC comments before extending it to 2003 or beyond.**

**Stephanie Madsen moved to approve the following SSC recommendations:**

- (1) Request the Plan Team to examine the representativeness of the EIT data used for the A/B season split in the Gulf of Alaska.**
- (2) Request the Plan Team to evaluate the linkage of the West Yakutat spawning stock to determine whether it is more appropriate to combine it with the EGOA or W/C stock.**
- (3) Encourage NMFS to extent the winter EIT survey to encompass E. Kodiak and W. Yakutat regions to assure that all reasonable efforts to locate spawning pollock have been undertaken.**

The motion was seconded by Bob Penney and carried without objection.

**Stephanie Madsen moved to approve the AP recommendation to request that the IPHC consider working cooperatively with the small boat Pacific cod fishermen to design a study capable of determining differences in halibut the discard mortality rates and bycatch amounts.** The motion was seconded by Bob Penney and carried without objection.

The final groundfish specification tables are appended to these minutes as Appendix IX.

D-1(c) Halibut Excluder Device Research

**ACTION REQUIRED**

**Receive report from John Gauvin, Groundfish Forum.**

**BACKGROUND**

**Groundfish Forum's "halibut excluder for the trawl cod fishery" report presents the results of a two-year study of modifications to cod trawls to reduce halibut bycatch while retaining target cod catches. The project is a research collaboration between several industry sectors and Dr. Craig Rose of the RACE Division at the Alaska Fisheries Science Center. The project included several NMFS research charters for initial development of approaches to excluder devices, an informal industry pilot test of components of the excluder, and finally two full scale at-sea tests under experimental fishing permits approved by the Council for 2000 and 2001.**

**The excluder device incorporates a series of stages starting in the throat of the trawl and extending to the intermediate including: 1) a large net mesh panel in the taper section of the trawl, 2) a series of steel grates in the beginning of the trawl intermediate, and 3) a chamber of fiberglass rods arranged as horizontal "slot panels" placed aft of the grate device. The separate stages are designed to separate (hence exclude) large, medium, and small halibut and other non target species at different places in the cod trawl.**

**In its final modified form for the Bering Sea test in the spring of 2001, the cod trawl equipped with the halibut excluder (minus the steel grate) reduced halibut bycatch by approximately 85% while reducing target catch of cod by only about 15 to 20%. Groundfish Forum's report to the Council will make several suggestions regarding the utility of the device to the regular cod trawl fishery and ways to move forward toward the goal of reducing halibut bycatch in trawl fisheries.**

The Advisory Panel did not address this agenda item.

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**Report of the Scientific and Statistical Committee**

The SSC received the report on an experiment conducted in 2000 on halibut bycatch reduction devices in the Pacific cod trawl fishery. The SSC encouraged the Council to begin exploring mechanisms to implement incentive-based systems that will promote the development and widespread use of bycatch reduction devices in the Pacific cod trawl fishery, as well as other fisheries.

**DISCUSSION/ACTION**

The Council received the report from Mr. Gauvin of Groundfish Forum, but due to lack of time, did not have any discussion of it at this meeting.

D-1(d-f) Groundfish Management Issues

**ACTION REQUIRED**

- (d) **Review tasking and Problem Statement for differential gear impact analysis (zonal approach).**
- (e) **Receive discussion paper on salmon bycatch implications for the 2002 Steller sea lion measures.**
- (f) **Organize the independent review panel to examine the existing harvest strategy.**

**BACKGROUND**

(d) Pacific Cod Zonal Approach

At the October meeting, the Council considered a zonal approach for Gulf of Alaska Pacific cod fisheries as Alternative 4, Option 3, of the Steller sea lion protection measures EIS. Option 3 would have established a zonal approach for GOA Pacific cod as proposed by the Alaska Marine Conservation Council during the RPA Committee process (original proposal attached as Item D-1(d)). Essentially, this approach would establish buffer zones as measured from land, from which vessels of certain sizes, and using certain listed gear types could participate. The zones are as follows:

0-3 nm	3-12 nm	12-20 nm	outside 20 nm
pot vessels with 60 pot limit, jig vessels with a 5 machine limit	pot vessels with 60 pot limit, jig vessels with a 5 machine limit, and longline vessels < 60'	all pot vessels, all jig vessels, all longline vessels	all vessels and gears

The Council decided that this option was better considered outside of the sea lion protection measures package, and agreed to bring the issue back in December to develop a problem statement for future analysis.

(e) Salmon Bycatch

The Council requested that staff bring forward information regarding salmon bycatch implications resulting from the 2002 Steller sea lion measures. Staff has prepared a draft discussion paper that reviews salmon bycatch and projections for 2002 (Item D-1(e)(1)). Section 4.5 from the Steller sea lion SEIS is attached as Item D-1(e)(2).

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(f) Independent F40 Review

The Council passed a motion in October requesting an independent review of our current harvest strategy policy. At this meeting, the Council will want to better define the terms of reference for the review panel, including composition, objectives, and schedule for completion. Of particular importance will be the advice of the SSC on how to conduct the review, and its scope.

A workshop on the Pacific Council's harvest strategy was held in 2000, and their report is attached (Item D-1(f)).

The Advisory Panel did not address these agenda items because of a lack of time.

**Report of the Scientific and Statistical Committee**

It was brought to the attention of the SSC that the Council passed a motion in October requesting an independent review of the current groundfish harvesting strategy. While time did not permit discussion of the issue by the SSC, Chairman Rich Marasco, advised the Council that he is prepared to offer the assistance of the SSC in any such undertaking. To be of assistance, the SSC will need a carefully developed "Terms of Reference Statement" that contains a tightly structured description of the issue, the purpose of the review, and a list of charges to be addressed by the review.

**DISCUSSION/ACTION**

The Council did not take up these agenda issues because of a lack of time.

D-2 Staff Tasking

**ACTION REQUIRED**

- (a) Review staff tasking and provide direction as necessary.
- (b) Receive status report on inter-agency initiative to collect socio-economic data.

**BACKGROUND**

(a) Staff Tasking

Item D-2(a)(1) is an updated summary of current Council projects, revised to reflect your direction from the October meeting. Item D-2(a)(2) is a copy of the three-meeting outlook for reference. As I expressed in October, we will not be able to take on any new projects between now and February, and we may need to re-assess a couple of items that are currently scheduled for February. Significant outside contract help will be required to get the items completed that we already have scheduled for February/April. We also need to take into account Council staff involvement next year in the EFH EIS, the BSAI crab FMP EIS, the Steller sea lion trailing amendment package, and once again the programmatic groundfish SEIS.

The outlook for Council staff's role in completing the EFH EIS is not completely clear at this time, though we do know it will fully subscribe David Witherell's and Cathy Coon's time between now and February, and certainly be a major project for them through 2002. The outlook for completing the programmatic groundfish SEIS is even more unclear, but is the subject of a staff meeting scheduled for next week. And, some of David and Cathy's time needs to be allocated to the SSL trailing amendment package for review in April or June.

Mark Fina will be fully subscribed through at least the end of February on the Crab rationalization project, finalizing the analysis for public review after the February meeting and synthesizing a report to Congress from that analysis. After that we still have involvement, with NMFS and ADF&G, to

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complete the EIS for the crab FMP, in which the rationalization program will presumably be the Preferred Alternative. Mark will also be involved in coordinating various other Council analyses and contract work.

Jane DiCosimo is working on several issues as well, including final touches to the halibut GHL document for Secretarial review; finalizing the charter IFQ analysis for Secretarial review; finalizing the halibut subsistence analysis for Secretarial review (assuming Council action at this meeting); addressing additional issues related to the IFQ program for halibut and sablefish; completing the shark/skate/other species amendment package for initial review in February or April; preparing a discussion paper on Gulf of Alaska rationalization; and, coordinating with NMFS on the TAC-setting process amendment package for review in April. Regarding GOA rationalization, we would like some Council feedback and clarification of expectations for the discussion paper scheduled for review in February. Item D-2(a)(3) is a brief summary of the history and direction of this initiative, including staff's thoughts on the practicable scope of a discussion paper for February.

Between now and February Nicole Kimball will be working to finalize the community QS purchase amendment and the CDQ Policy amendment package (pending direction on the timing of that decision), as well as coordinating the Observer Committee and an associated regulatory amendment package for review in February. She is also the staff person assigned to the BSAI Pacific cod pot split amendment tentatively scheduled for final action in February. Regarding the P. cod pot split amendment, you tentatively scheduled that for final action at the February meeting, while awaiting Secretarial approval of Amendment 67. That Amendment has been approved, but we still have a couple weeks of work on the Pacific cod pot split amendment package to respond to Council and SSC input we received on the initial draft. I recommend we schedule the P. cod pot split for final action in April, which should not affect the implementation timeline.

Elaine Dinneford continues to provide the necessary database support to complete most of these analyses, for Council and agency analysts as well as contractors. She is also working on long-term database development projects, including close coordination with the AKFIN project, which is assimilating the myriad state and federal databases into a central, comprehensive data warehouse for use by Council and other agency analysts. Diane Provost continues to manage our ever-growing computer and networking systems.

We do have a new staff economist joining us in January, Jon McCracken, and we expect him to be able to provide immediate and welcome assistance to a variety of projects. We also have another position, NEPA Specialist/Fisheries Analyst, which will likely start in February or March. Chris Oliver will review the entire list of projects in the attached table, update you on the status of each, and seek direction and/or clarification on a few specific projects, in addition to the ones already mentioned above.

**(b) Initiative to Collect Socio-economic Data**

As most of you are aware, in addition to working on selected Council projects Darrell Brannan is working for the Alaska Fisheries Science Center on a project to re-initiate collection of socio-economic data (including cost, earnings, and employment information). Previous attempts at voluntary data collection have been largely unsuccessful, and our ability to conduct meaningful cost/benefit analyses is severely compromised by lack of these data. Our own SSC has continually noted this deficiency and stressed the need for routine collection of these data. The proposal under Item D-2(b) details these problems and contains a protocol for a mandatory data collection program. This proposal, developed by representatives of the Council, NMFS, ADF&G, and the CFEC, underscores the need for multi-agency endorsement of this approach. The proposal also contains data-sharing provisions among the agencies, and mechanisms to ensure the confidentiality of the information collected.

Multi-agency support for this project will be necessary in order for it to have any chance of success. At some point this would come back to the Council for review and approval, in the form of a regulatory amendment package, after further development by agency analysts, including review and approval

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**of the plan by the major agencies involved. At this time we are informing you of the initiative, and seeking the Council's support for further development of the proposed data collection program.**

Neither the Scientific and Statistical Committee nor the Advisory Panel addressed this agenda item.

The Council also did not take up this issue because of a lack of time.

**E. COMMITTEE ASSIGNMENTS AND ADJOURNMENT**

The Chairman announced the following appointments to the AP, SSC, and Pacific Northwest Crab Industry Advisory Committee (bold/italics indicates new appointees):

**Advisory Panel** (1-year terms):

Ragnar Asltrom  
Dave Benson  
Dave Boisseau  
John Bruce  
Al Burch  
Craig Cross  
Ben Ellis  
Tom Enlow  
Dan Falvey  
Lance Farr  
Duncan Fields

Dave Fraser  
Arne Fuglvog  
***Bill Jacobson***  
Teresa Kandianis  
Tracey Mayhew  
Hazel Nelson  
Kris Norosz  
***Jim Preston***  
Michelle Ridgway  
Jeff Steele  
Jeff Stephan  
Lyle Yeck

**PNCIAC** (two-year terms):

Dave Benson  
***Keith Colburn***  
Lance Farr  
Phil Hanson  
Larry Hendricks  
Kevin Kaldestad  
Garry Loncon

Gary Painter  
Rob Rogers  
Clyde Sterling  
Gary Stewart  
Arni Thomson  
[non-voting]

**Scientific and Statistical Committee** (1-year terms):

Dr. Steve Berkeley  
Dr. Keith Criddle  
Dr. Douglas Eggers  
Dr. Steven Hare  
Jeff Hartman  
Dr. Mark Herrmann  
Dr. Susan Hills

Dr. George Hunt, Jr.  
Dan Kimura  
Dr. Seth Macinko  
Dr. Richard Marasco  
Kenneth Pitcher  
Dr. Terrance Quinn II  
Dr. Jack Tagart

Note: Dr. Al Tyler of the University of Alaska School of Fisheries and Ocean Sciences retired from the SSC. A replacement has not yet been named.

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The Chairman adjourned the meeting at approximately 5:12 p.m. on Monday, December 10, 2001.

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Anchorage, Alaska

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